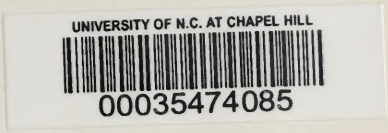
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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1903,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1903.

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

SESSION 1903.

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1903.

CHAPTER 1.

AN ACT TO INCORPORATE THE RALEIGH AND EASTERN NORTH CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. J. Thomas, C. B. Barbee, J. M. Turner, their associates, successors and assigns, are hereby created a body politic and corporate, with perpetual succession, under the name and style of "The Raleigh and Eastern North Carolina Railroad Company," and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise any real, personal or mixed estate and lease or sell the same as the interest of the company may require; may acquire, own, operate or lease any quarries, mines, forests, lumber yards or furnaces, also steam-ships, docks, wharves, lighters, barges, tugs, steam-boats and vessels; may lease, buy or construct telegraph and telephone lines along or near its right of way and charge tolls under such rules and regulations as are prescribed by the laws of this State, or at the option of its board of directors; may lease or rent these privileges to other corporate bodies or persons; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law.

Incorporators.

Corporate name.

Powers and privileges.

Powers and privileges.

SEC. 2. That the authorized capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of increasing the same to one million dollars, to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property,

Capital stock, amount.

Shares.

How subscribed and paid for.

materials, bonds, timber, labor, depot or terminal facilities, franchises, rights of way, watercraft or otherwise as may be agreed upon between the subscriber or subscribers and the said company.

Subscription books.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars has been subscribed for *bona fide* to the capital stock the said company shall be authorized to commence operations and to exercise all the rights, powers, privileges and franchises granted by this act, and said corporators, or a majority of them acting in person or by proxy, shall be authorized to call a meeting of stockholders for the purpose of organization at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Raleigh, and at such meeting and at each annual meeting thereafter a board of not less than seven directors shall be elected by the stockholders. That said board of directors shall hold office for one year, and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other officer.

When to commence business.

First meeting, notice of.

Directors.

Tenure.

Officers.

Vacancies.

President and directors to handle subscription books.

Sec. 4. That after the organization of said company the president and board of directors may again from time to time open books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

Non-liability of stockholders.

Propose route or line of operation.

Sec. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express, from Raleigh, Wake County, and thence in an easterly direction through Wilson County, running to or near the town of Wilson, thence through Pitt County, running to or near the town of Greenville, thence on the south side of Tar River to some point on, near, across river in Pitt or Beaufort Counties above or near the town of Washington, thence to or near the town of Washington or to some point in an easterly direction to tide-water in the eastern part of North Carolina, on or near the Pamlico River or Sound, as shall be determined by said board of directors, and to build branch roads as above provided.

Raleigh, Wake county, east to.

Pamlico river.

Main line and branch road.

Sec. 6. That said company may build its said railroad and branch roads as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in Volume I, chapter 49 of The Code of North Carolina and all of the acts of the General Assembly of North Carolina amendatory thereto.

Vol. I, chap. 49 Code.

Sec. 7. That said company shall have the right to cross at grade, or over, or under, intersect, join or unite its railroad with any railroad now built or constructed, or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turn-outs, sidings, switches and other conveniences, and when necessary to use the right of way of other roads when the same is not occupied with tracks or buildings. Right to cross, intersect or unite with other roads.

Sec. 8. That when any right of way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned, in accordance with Volume I, chapter 49 of The Code of North Carolina and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of fifty feet on each side of the track of the said railroad and branches, measuring from the centre of the same. And the company shall have the power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding five acres in any one lot or place. Right of way. Eminent domain. 100 feet. Depots, warehouses, shops, etc.

Sec. 9. That said company shall have the right to borrow money when so authorized by its board of directors in general or special meeting assembled, and to issue coupon bonds at a rate of interest not exceeding five per cent., and to secure the payment of the same by mortgage or deed of trust, or trust agreement with any bank, trust company or corporation on its property, franchises and effects or otherwise. And should said company issue second mortgage bonds as hereinafter provided, then in that event it shall not issue first mortgage bonds exceeding twelve thousand dollars per mile of its main road and branches. Right to borrow money. How secured. Second mortgage.

Sec. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company. That it may, under purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line. When to begin work on line. May purchase or lease other railroads.

Sec. 11. It shall be compulsory with the Raleigh and Eastern North Carolina Railroad Company and all other railroads with which it connects to interchange traffic in a prompt manner, to prorate on a mileage basis unless by mutual arrangement with the managers of railroads in North Carolina, to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines shall be respected. That all railroad companies shall switch cars to and from industries, loading or unload- R. & E. N. C. R. R. Co. and other roads. Interchange of traffic. Rate for switching cars.

ing tracks, warehouses and other places for handling freight for each other within any city limits or three miles from same, for not more than two dollars per loaded car. Empty cars shall be handled free, and that no railroad company shall make a higher switching charge for one railroad than it does for another.

Empty cars free.

Coupon construction bonds.

Sec. 12. That for the purpose of aiding in the construction of the Raleigh and Eastern North Carolina Railroad Company the board of directors of said company shall have the power in general or special meeting to issue coupon bonds to an amount not exceeding three thousand dollars per mile upon the said railroad and its branch roads, bearing interest at the rate of six per cent., payable semi-annually, the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises and effects or otherwise. That it shall be lawful for any county, township, city or town in or through which the said road or its branches may be located or which may be interested in its construction, to subscribe to the said second mortgage bonds of said railroad company in such sums as a majority of the qualified electors of any such county, township, city or town may authorize, anything contained in the charter of any such city, town or other corporation to the contrary notwithstanding. That the said subscription shall be made in coupon bonds bearing interest at five per cent., interest payable semi-annually, and the principal of said bonds to be due and payable thirty years from time of issue, the said bonds to be received by said railroad company at par, and upon receiving the same the said railroad company shall deliver to such counties, townships, cities or towns as shall subscribe a like amount of its second mortgage bonds in exchange therefor. All of said bonds to be in denominations of one hundred dollars each.

Style of.

Security.

Counties, cities and towns may subscribe to second mortgage bonds.

Election to be held.

Style and nature of bonds.

Denomination of shares.

Duty of county commissioners or municipal authorities.

Sec. 13. That for the purpose of determining the amount of such subscription it shall be the duty of the County Commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or the Board of Aldermen, or the Board of Commissioners or other municipal authorities of any city or town in or through any part of such city or town the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of fifty tax payers of any such county, or thirty in any township, city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the second mortgage bonds of said

Upon application of fifty tax payers in the county or thirty in the town to submit question to voters.

railroad company. And said Board of County Commissioners, Board of Aldermen, Board of Commissioners or other municipal authority of such city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as is hereinafter provided for the said election in any city or town. That at said election ballots shall be provided upon which shall be printed or written the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription," and said Board of County Commissioners, Board of Aldermen or Board of Commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance with law by such Board of County Commissioners, Board of Aldermen, Board of Commissioners or other municipal authority, as the case may be, of the qualified voters of said county, township, city or town for the said election.

Election, how and when held.

Ballots.

Notice of election.

Where and how given.

Registration.

Sec. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly, and if the election shall be held for a county, the returns shall be made to and canvassed by the Board of County Commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township, the registrar and judges of election shall make returns to the Board of County Commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be for a city or town, it shall be conducted as elections for municipal officers and the Mayor and Aldermen, or Town Commissioners or other municipal authorities of such city or town shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted "For Subscription," then the Chairman of the Board of County Commissioners in all cases of county or township elections, and the Mayor or other chief officer in all cases of city or town elections shall, within twenty days after the vote is ascertained, subscribe to the second mortgage bonds of said railroad company in behalf of said county,

How held, if county or township.

Result, how declared.

How held, if by city or town.

Duty of commissioners or municipal authorities if election favorable to subscription.

township, city or town, as the case may be, the sum that may have been named in the said petition, which subscription shall be made in coupon bonds bearing interest at the rate of five per cent., payable semi-annually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties, townships, cities or towns.

Coupon bonds, five per cent. tax levy to pay bonds.

Payment of interest and redemption of bonds, how met.

Sec. 15. That to provide for the interest on said bonds and their redemption at or before maturity the Board of County Commissioners aforesaid, or the Board of Aldermen, or Board of Commissioners, or other municipal authorities aforesaid subscribing shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are and paid to the County Treasurer or other officer of said county, city or town authorized by law to perform the duties of Treasurer as commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the County Commissioners or the municipal authorities of the city or town, as the case may be, but in case said Treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or about par value he shall invest the same in solvent bonds or securities as may be selected and approved by the County Commissioners aforesaid or the proper authorities of any city or town, as the case may be, subscribing to the second mortgage bonds of said railroad company.

Sinking fund.

Bonds, how cancelled.

Investment of sinking fund.

Townships incorporated.

Sec. 16. That for the purpose of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The County Commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

Purpose of.

Commissioners agents of townships.

Convicts may be used in construction work.

Sec. 17. That the State, county and city convicts may be used in the construction of the said railroad and its branches in such numbers and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company.

Payment for labor. The payment for such labor shall be made monthly.

Sec. 18. The Raleigh and Eastern North Carolina Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or may be hereafter constructed, that is now or hereafter may be a competitor, during the period that the State or any county, township, city or town shall hold seventy-five per cent. of the second mortgage bonds of said railroad company. Only a sufficient amount of the said six per cent. second [mortgage] bonds shall be issued in the construction, purchasing and equipment in exchange with the State of North Carolina, the various counties, townships, cities and towns for labor performed, or bonds subscribed for, not to exceed three thousand dollars per mile of said railroad and its branches.

Said incorporated company not to be sold or leased to competing line.

Six per cent. bonds, amount to issue.

Sec. 19. That the construction of the said railroad under this act of incorporation shall be commenced within five years after the ratification of this act.

Construction, when to commence.

Sec. 20. This act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified this the 18th day of February, A. D. 1903.

Chapter 2.

AN ACT TO AMEND SECTION THREE OF CHAPTER TWELVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, ENTITLED "AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE 'JAMES WALKER MEMORIAL HOSPITAL OF THE CITY OF WILMINGTON, N. C.'"

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter twelve of the Private Laws of one thousand nine hundred and one, entitled "An act to provide for the government of the 'James Walker Memorial Hospital of the city of Wilmington, N. C.,'" ratified the 23d day of January, 1901, be amended by striking out in line seven (7) of said section three (printed laws) the words "four thousand eight hundred" and inserting in lieu thereof the words "seven thousand two hundred," and by striking out in line nine (9) of said section three (printed laws) the words "three thousand two hundred" and inserting in lieu thereof the words "four thousand eight hundred."

Amounts to be paid by county commissioners and aldermen increased.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of January, A. D. 1903.

CHAPTER 3.

AN ACT TO CHANGE THE NAME OF GILLAM & LYON, BANKERS, OF WINDSOR, N. C., TO "BANK OF WINDSOR," WINDSOR, N. C.

The General Assembly of North Carolina do enact:

Section 1, chapter 242, Private Acts 1901, amended.

Name "Gillam & Lyon, Bankers," changed to "Bank of Windsor."

SECTION 1. That section 1 of chapter 242 of the Private Acts of 1901 be and the same is hereby amended by striking out the words "Gillam & Lyon, Bankers," wherever they occur in said section and substituting therefor the words "Bank of Windsor."

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 21st day of January, A. D. 1903.

CHAPTER 4.

AN ACT TO AMEND THE CHARTER OF THE UNITED MUTUAL INSURANCE COMPANY.

The General Assembly of North Carolina do enact:

Section 1, chapter 146, Private Laws 1901, amended. Corporate name changed.

SECTION 1. That section 1 of chapter 146, Private Laws of 1901, be amended by striking out the word "Mutual" in the last line of said section.

Liabilities or privileges not affected.

SEC. 2. That nothing in this act shall affect the liabilities or privileges of said company.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 22d day of January, A. D. 1903.

CHAPTER 5.

AN ACT TO INCORPORATE MERCHANTS AND FARMERS BANK OF WINTON, N. C.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That A. I. Parker, W. P. Taylor, William Jordan, John E. Vann, W. P. Shaw, Jr., A. J. Pierce, S. S. Daniel, C. W. Mitchell, John O. Askew, F. D. Winston, W. L. Lyon, T. C. Bond,

Thomas Gilliam, W. D. Pruden, A. S. Roscoe, D. L. Minton, J. H. Mitchell, E. Britt, L. Ellis, D. C. Barnes, J. H. Matthews and their associates, successors and assigns are hereby constituted a body corporate by the name of "Merchants and Farmers Bank," by which name said corporation shall have all franchises, rights and privileges incident to a corporation. Corporate name.

Sec. 2. The corporators above named, or any three of them, may open books of subscription and after two hundred shares of fifty dollars each shall have been subscribed, upon ten days' notice issued by said incorporators, or any three of them, the subscribers may meet and organize by the election of a board of five or more directors, who shall manage the affairs of the company for one year or until their successors are elected, and who shall elect all necessary officers and agents. The company shall have power and authority to transact business whenever two hundred shares of fifty dollars each have been subscribed to the capital stock and ten per cent. paid thereon. Further assessments shall be paid in as called for by the directors. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. That the capital stock shall be ten thousand dollars, which may be increased by the directors to twenty-five thousand dollars. Organization. When authorized to begin business. Voting powers of stockholders. Capital stock.

Sec. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the concern; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do. Corporate powers.

Sec. 4. That said corporation shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit or open account or on certificate of deposit and pay interest thereon or not. It may receive on deposit for safe-keeping gold, silver, paper money, bullion, precious metals, plate, jewels, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor, and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint-stock companies and hold and vote the same. Corporate powers. May receive valuables on deposit.

Sec. 5. The said company may loan money on mortgage or deed of trust conveying real or personal property or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said corpo- Powers relative to loaning money and collecting.

ration fails to meet his obligations it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in case of sale of either real or personal security make title to the purchaser.

Powers as fiscal or transfer agent or trustee.

Sec. 6. That said company may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money and negotiate, sell and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

Fiduciary powers and requirements therefor.

Sec. 7. That said corporation shall have power to act as executors, administrators, guardian, trustee, receiver or depositary, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or by any corporation by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed upon. In lieu of the bond required by law to be given by an administrator, guardian, trustee or other fiduciary it shall be lawful, and before assuming any such trust under order of any court, the said corporation shall file in the office of the Clerk of the Superior Court of Hertford County an undertaking, with sufficient security, with either personal security or bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court and to be approved by the said Clerk, and the said undertaking so secured may be accepted by the said Clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said corporation by order of any court of North Carolina as aforesaid. In case of default in the performance of any trust so committed to said corporation as aforesaid the said undertaking may be sued upon by the party injured or his personal representative in the Superior Court of any county of North Carolina where such default may have been made. A copy of such undertaking, duly certified by the seal of the Superior Court of Hertford County, and if secured by the bonds of the State or of the United States or of any county or city or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina, and the Superior Court wherein the said corporation shall have been appointed guardian, executor, administrator, receiver, trustee or depositary shall have the power to make orders respect-

ing such trusts, and to require the said corporation to render all accounts which said court might lawfully make or require if such trustee were natural persons. And in accepting any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers.

Powers and regulations regarding the investment of trust funds.

Sec. 8. That said company shall have discretionary powers to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued in any county or city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of the corporation, and for any losses by reason of such investment the capital stock, property and effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment.

Liability for income thereon.

Storage warehouse.

Sec. 9. That said company may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued thereafter shall be negotiable by delivery, entitling the holder to the property mentioned in said certificates or receipts without regard to the [depreciation] of the property, and the corporation shall exercise ordinary care in the custody and protection of the property that may be stored with it.

Stockholders' liability.

Sec. 10. The stockholders shall be individually responsible equally and ratably, and not for another, for all contracts, debts and engagements of the corporation to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares. The term stockholder in this act shall apply, not only to such persons as appear by the books of the corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may [be] on the books of the corporation in the name of another person; but not to a person who may hold the stock as collateral security for the payment of a debt.

Offices, where located.

Sec. 11. The offices shall be in Winton, Hertford County, North Carolina.

Powers to become surety on bonds, etc.

Sec. 12. The said corporation may guarantee or become surety upon any official bond or undertaking required by law; and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come in the possession, custody or control of trust money or funds, either as guardians, executors, administrators, collectors, receivers or trustees of any sort, or as employees of any person, company or corporation, however or by whomsoever chosen or appointed, under such regulations as may be provided in the by-laws, and may receive therefor compensation: *Provided*, the

Proviso.

above and other things of similar nature done by the corporation shall be consistent with and subject to the laws of the State.

Authority to do general banking business, etc.

Sec. 13. That this corporation is specially authorized to do a general banking business and to adopt all regulations necessary to that end, being subject at all times to such inspection and regulation as now exist or may hereafter be made by law.

Payment of check, note or order of depositor to discharge liability of company.

Sec. 14. That the draft, check, note or order of any person in whose name funds, money or other thing of value are standing or deposited in said bank, when paid or complied with shall be a complete discharge of the said bond for the money so paid or thing or article so delivered, notwithstanding such draft, check, note or order be signed by a married woman without her husband's signature or of an infant.

Sec. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of January, A. D. 1903.

Chapter 6.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS TO REFUND ITS DEBT.

The General Assembly of North Carolina do enact:

Authority to issue bonds.

Section 1. That the Mayor and Board of Aldermen of the city of Asheville at any time after the ratification of this act, at any election held for that purpose as hereinafter provided, be and they are hereby authorized and empowered to issue coupon bonds in the name of the city of Asheville, in such denomination and form as the said Mayor and Board of Aldermen may determine, to an amount

Maximum amount.

not exceeding seven hundred and eighty-one thousand and five hundred dollars ($781,500), and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not

Annual interest.

exceeding four and one-half per centum per annum, payable semi-annually, and be payable at such time or times and place or places as the said Mayor and Board of Aldermen shall determine: *Provided*,

Time of payment.

that the time of payment of said bonds shall not be fixed at less than twenty nor more than fifty years from their date; that

How attested.

the said bonds shall be signed by the Mayor of said city, attested by the City Clerk, and shall be under the corporate seal of said city, and the interest upon said bonds shall be evidenced by interest

City liability.

coupons thereto attached in the usual form; and said bonds when issued and the interest accumulating thereon shall be fully binding upon said city and its property.

Power of city authorities to refund outstanding indebtedness.

Sec. 2. That said Mayor and Board of Aldermen are hereby authorized and directed to arrange with the owners and holders of the outstanding bonds of said city, except the water bonds issued in nineteen hundred and two, so far as it can be done, either at once or as said bonds may mature, or from time to time as may be expedient, to surrender the bonds or any portion thereof held by them upon the receipt by them of the par value of such bonds with the interest due thereon in money, or to exchange or surrender the said bonds held by them, or any portion thereof, for like amounts of the bonds authorized by this act, and upon perfecting such arrangement or agreement with said bondholders or any of them, said Mayor and Board of Aldermen are directed to carry the same into effect by exchanging said bonds or any portion thereof, for a like amount of said outstanding bonds, or by selling the bonds authorized by this act, or any portion thereof at a price not less than their par value, and apply such amount of the proceeds of the sale of such bonds as may be necessary exclusively and only to the purpose of paying off and taking up the outstanding bonds of said city, except the water bonds issued in nineteen hundred and two, and the amount of said bonds necessary to pay off the said outstanding bonds of said city shall be used for no other purpose than that above specified, and the balance of said bonds over and above what may be necessary to be used to pay off or take up said outstanding bonds at par, may be by the said Mayor and Board of Aldermen sold from time to time at a price not less than their par value for the purpose of funding or paying off any other indebtedness of the said city of Asheville and for no other purpose; but the purchaser or purchasers of said bonds or any of them shall not be bound to see to the application of the purchase money paid therefor; that whenever any of the present bonds of said city shall be exchanged for the bonds hereby authorized to be issued or paid off by any of the proceeds of the sale of said bonds, the said bonds so exchanged or paid off shall not again be issued or sold, but shall thereafter be null and void, and shall be cancelled and destroyed by said Mayor and Board of Aldermen.

Bonds must be sold or exchanged at not less than par value.

Redeemed bonds null and void.

Taxing power to meet interest.

Sec. 3. That the Mayor and Board of Aldermen of the city of Asheville, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city sufficient to meet the interest on said bonds, and pay the principal thereof when they shall become due and payable, and said taxes shall be collected in like manner as the other taxes of said city, and paid into the hands of the Treasurer thereof for the purposes aforesaid.

All authority subject to vote of qualified voters.

Sec. 4. That said bonds shall not be issued nor said taxes levied until authorized by a vote of a majority of the qualified voters of

Elections, how held.

the said city at a public election to be held in the same manner as elections are or may hereafter be held in said city for the election of Mayor and Aldermen thereof, and at such election those who favor the issuing of said bonds and levying the taxes herein provided for

Form of ballots.

shall vote ballots with the word "Approved" written or printed thereon, and those opposed to issuing said bonds shall vote ballots with the words "Not Approved" written or printed thereon; and if at any such election a majority of the qualified voters of said city shall vote ballots with the word "Approved" written or printed

When mayor and aldermen authorized to issue bonds and levy tax.

thereon, then the said Mayor and Board of Aldermen shall, as may be required under the terms of this act, issue said bonds, and after their sale or exchange, or the sale or exchange of any portion thereof, as hereinbefore provided, levy a tax sufficient to meet interest and principal thereof when due, as hereinbefore specified. The first

Election, when held.

election under this act shall be held whenever the Board of Aldermen may order same, not less than thirty days after the date of said order, and if at such election a majority of the qualified voters of said city shall not vote in favor of issuing said bonds, then the Board of Aldermen of said city shall at any time, and as often thereafter as they deem best, not oftener, however, than once

Regulations for elections.

in any one year, order an election to be held under the rules and regulations prescribed by law for the election of Mayor and Aldermen of said city, and after thirty days' public notice thereof, and

Notice.

at each of such elections the ballots shall be as hereinbefore directed; and if at any such elections the majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds

Bonds to be issued if authorized at election.

as aforesaid, then the said bonds shall be issued as may be required under the terms of this act by said Mayor and Board of Aldermen, to be applied to the purposes and upon the terms and conditions hereinbefore stated in this act.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of January, A. D. 1903.

Chapter 7.

AN ACT TO AMEND THE CHARTER OF THE SOUTHERN STATES TRUST COMPANY.

The General Assembly of North Carolina do enact:

Suboffices and agencies authorized.

Section 1. That chapter 264 of the Private Laws 1901 be amended by adding thereto the following: "The said corporation shall have

power to establish offices and agencies at such places in the State as it may deem proper, and shall have power at such places to conduct its business in all its branches under such rules and regulations as the board of directors may prescribe, but the principal place of business shall be in the city of Charlotte." Principal office.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of January, A. D. 1903.

Chapter 8.

AN ACT TO INCORPORATE "SPRING HOPE BANKING COMPANY."

The General Assembly of North Carolina do enact:

Section 1. That W. W. Richardson, N. B. Finch, R. E. Copeland and C. B. Brantley, and their present and future associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of "Spring Hope Banking Company," and shall so continue for and during the period of thirty years, with the capacity to sue and be sued, to maintain and defend actions and suits in the corporate name, to take, hold, buy, sell and convey such real estate and personal property as they may need, and to conduct, transact and carry on a general banking business in its fullest scope and meaning, with all the powers, rights and privileges and immunities granted under and by the laws of the State of North Carolina relating to banking. Corporators. Corporate name. Duration. Corporate powers.

Sec. 2. That said bank shall be located and carry on its business in the town of Spring Hope, in the county of Nash, North Carolina. Location.

Sec. 3. That the capital stock of said bank shall be ten thousand dollars, divided into equal shares of the par value of one hundred dollars per share. Said capital stock may be increased to any amount, not to exceed fifty thousand dollars, whenever two-thirds of the stockholders, each share of stock to count as one vote, shall so decide and vote at the regular meeting of the stockholders called for that purpose, or at the regular annual meeting of the said stockholders. Capital stock. May be increased.

Sec. 4. The corporators above named, or a majority of them, are hereby authorized and empowered to open books of subscription for the capital stock of said bank at such times and places and for such a period as they shall determine, and the stockholders may, at any general meeting called after the organization of said bank, Subscription books opened.

May be re-opened. re-open books of subscription for the said capital stock until the total amount thereof shall be subscribed.

Meeting for organization. Sec. 5. Whenever ten thousand dollars of the capital stock shall be subscribed for and paid in, the above named stockholders, or a majority of them, or a majority of those who have subscribed for the capital stock, shall call a meeting of the subscribers of the capital stock at such time and at such place to be named in the notices of said meeting and upon such notice as they shall deem proper, and such stockholders at such meeting shall elect directors, at least five in number, who shall hold their offices for one year, or until their successors shall be elected and qualified, and such directors shall be authorized to elect a president and a vice-president of said bank, who shall hold their respective offices during the term of the directors.

Stockholders to elect directors.

Term of office.

Directors elect president and vice-president.

Term of office.

Common seal. Sec. 6. Said directors and the president of said bank may adopt and use a common seal, and alter the same at their pleasure; may name and appoint such agents, servants and employees as shall be necessary for the proper carrying on of said business, fix their compensation and take such security for the faithful performance of their duties as in their opinion may be necessary, and said directors shall provide the manner of paying in the capital stock and the registration and transfer of the same, and may do and carry on a general banking and discount business and upon such terms and at such rates of interest, not to exceed the legal rate of interest in force in North Carolina, as they may agree upon, and in general shall have such powers and privileges and immunities as are conferred upon corporations doing a banking business by the laws of the State of North Carolina. The said bank shall have a lien on the capital stock subscribed for, for the payment thereof in full, and shall have power to sell the same for the amount due thereon, in case the same shall not be paid, first giving thirty days' notice by advertising in some newspaper published in the county of Nash, But no sale made, as herein provided, shall be deemed or taken as a lease for any further amount which may be due thereon in case the stock so sold shall not bring a sufficient amount to pay the amount due thereon.

Agents, servants and employees.

Stock, how paid in.

Registration and transfer.

Interest not to exceed legal rate.

General powers.

Lien on stock.

Power of sale.

Effect of sale.

Further general powers. Sec. 7. The said bank shall have power to receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, bullion, current and uncurrent paper and public and private securities and other evidences of debt; may purchase and hold such real estate as may be conveyed to it to secure the payment of debt, for the satisfaction of said debt, and may afterwards sell and convey the same in the manner prescribed by law; may discount and purchase notes, bonds and other evidences of debts and lend money on such terms as may be agreed upon and receive such

Purchase and hold real estate.

Sell and convey real estate.

Discount and purchase evidences of debt.

Lend money.

interest, not to exceed the legal rate in this State, as may be agreed upon, which said interest may be taken in advance. It may receive money on deposit, held in trust by guardians, executors, administrators, trustees or other persons and issue certificates therefor, said certificates bearing such rate of interest as may be agreed upon by the parties, which said certificate may be assigned and transferred upon such terms and regulations as may be prescribed by the president or other officers, said certificates to be signed by the president or other officer having such authority, and the same shall be as binding as if it were executed under the common seal of the corporation.

Interest not to exceed legal rate.
May be taken in advance.
Receive money on deposit.
And issue certificates.
Interest on deposits.
How certificates transferred.
How certificates issued.

Sec. 8. The stockholders may adopt such rules and by-laws for the government of the bank as they may think proper, provided no by-laws shall conflict with this charter, or the laws of this State, in which case it shall be null and void.

By-laws.

Sec. 9. Each director shall own at least one share of the capital stock of said bank, but the president may or may not be the owner of any shares, as the directors may determine. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said bank to the extent of the amount of the stock therein at the par value thereof in addition to the amount invested in such shares.

Qualification of directors and president.
Liability of stockholders.

Sec. 10. Whenever any married woman, or any minor, shall place any money, or general or special deposit with the bank for safekeeping, either on their own account or as a trust fund, they may withdraw the same upon such checks or receipts as the directors may direct, and such check or receipt shall be binding on such married woman or minor, and shall be a release to the bank of any liability on account thereof, and such check or receipt shall be sufficient evidence of release to the bank as against such married woman or minor, and all persons claiming under them.

Deposits of married women and minors.

Sec. 11. And for the purpose of enabling the said bank to aid and encourage planters, farmers, manufacturers and others, said bank shall have the power to lend said planters, farmers and manufacturers, or other persons, and to take as security for the payment of the amounts loaned a lien on crops to be raised even before the planting thereof, or upon other articles then in existence, or thereafter to be made, or manufactured, or raised, purchased, or otherwise acquired, and all such liens so taken shall be good and binding in law: *Provided*, the same shall be registered under the existing registration laws prior to other liens upon said crops or articles for securing such advances. The said bank shall have power to make loans or mortgages on real estate or personal property, and also to receive in storage or warehouse any cotton, tobacco or other products, or any manufactured articles whatever, as a pledge or pledges for the repayment of money or moneys made upon the faith of such

May lend money on crop liens.
May loan on mortgages.
May receive articles in pledge.

Liens or pledges to be registered.

Powers of sale.

pledge, said liens or pledges to be registered in accordance with the laws of the State of North Carolina in force relative to the registration of such instruments, and any and all sales made under such mortgages, pledges or liens shall be good and effectual in law.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of January, A. D. 1903.

Chapter 9.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Limitation on privilege tax repealed.

Section 1. That the words "not exceeding ten dollars" at the end of subsection ten, section sixty-four of chapter one hundred of the Private Laws of nineteen hundred and one be and the same are hereby stricken out.

Salary of mayor.

Sec. 2. That the last sentence of section twenty-four of the Private Laws of nineteen hundred and one be and the same is hereby stricken out and the following substituted in the place and stead thereof: "The salary of the Mayor of said city shall be fixed, from time to time, and at any time during his term of office, as may be deemed advisable by the Board of Aldermen thereof, at not less than five hundred nor more than one thousand dollars per annum, payable in monthly installments on the warrant of the Clerk of the Board of Aldermen drawn on the Treasurer of said city and countersigned by the Chairman of the Finance Committee of said Board of Aldermen."

Land owners to pave one-half streets on side of lots.

Sec. 3. That section seventy of chapter one hundred of the Private Laws of nineteen hundred and one be amended by inserting between the word "front" and the word "which" in line eleven thereof the words "and side" and by adding after the word "cost" in line thirteen thereof the following: "*Provided, however*, the city shall in nowise be held chargeable with or responsible for any part of the cost of paving, repaving or repairing the sidewalk along any corner lot except for a frontage of fifty feet and a depth or side of one hundred feet; the Board of Aldermen being hereby invested, for the purposes of this proviso, with the power of determining, in any case, upon what street any such corner lot fronts."

Responsibility of city limited.

Power of aldermen.

Election for sewer extension.

Sec. 4. That all of the last proviso of section seventy-one of chapter one hundred of the Private Laws of nineteen hundred and one be and the same is hereby stricken out.

Power to condemn land for protection of water supply.

Sec. 5. That section sixty-six of chapter one hundred of the Private Laws of nineteen hundred and one be amended by inserting between the word "city" and the word "and" in line ten thereof the words "including the protection of the water-sheds of the streams which constitute the sources of water supply for said city in order that said sources of water supply may be kept pure and healthful."

Aldermen may establish electric light system.

Sec. 6. That section thirty of the Private Laws of nineteen hundred and one be and the same is hereby amended by adding thereto at the end thereof the following: "and said Board of Aldermen shall have the authority and power, in its discretion, to erect or establish one or more electric plants of any kind; to fully equip the same; to manufacture electricity therein and to sell the same for any purpose for which it may be used at such rates and upon such terms as may be deemed advisable by said Board of Aldermen."

Salary of assistant tax-collector.

Sec. 7. That section forty-five of chapter one hundred of the Private Laws of nineteen hundred and one be and the same is hereby amended by striking out the word "six" in line nine of said section and by substituting in the place and stead thereof the words "not exceeding nine."

Further powers granted board of health.

Sec. 8. That section thirty-two of chapter one hundred of the Private Laws of nineteen hundred and one be and the same is hereby amended by adding at the end of said section the following: "Said Joint Health Board shall have authority, and power is hereby given it, to prescribe rules and regulations for the location, relocation, establishment, maintenance and continuance of hospitals, sanatoriums, sanitariums and other institutions or places at which persons suffering from tubercular or any other infectious or contagious disease may be received; to provide for the removal, segregation and quarantine of such persons when, in the sound judgment of said Joint Health Board, the same may be necessary to preserve the health or comfort of the city of Asheville or of any section or neighborhood thereof, and to adopt rules and regulations to that end, to enforce same and to provide penalties for the violation of any rule or regulation herein authorized to be adopted."

Removal and quarantine.

Superintendent of water-works and chief of police elected by aldermen.

Sec. 9. That the words "Superintendent of Water-works" in lines six and seven and the words "Chief of Police" in line eight of section nine of chapter one hundred of the Private Laws of nineteen hundred and one be and the same are hereby stricken out; and section thirty-nine of chapter one hundred of the Private Laws of nineteen hundred and one be and the same is hereby amended by inserting between the word "Clerk" and the word "and" in line two of said section the following: "A Superintendent of Water-works, a Chief of Police."

Repealing clause.

Sec. 10. That all acts and clauses of acts inconsistent or in conflict with any of the provisions of this act are hereby repealed.

Sec. 11. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times and ratified this 27th day of January, A. D. 1903.

Chapter 10.

AN ACT TO INCORPORATE THE BANK OF KERNERSVILLE, N. C.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That L. F. Davis, W. S. Linville, W. H. Leak, J. C. Roberts, Geo. V. Fulp, J. H. Greenfield, W. G. Penry, J. F. Ward, C. M. Thompson, W. H. Mendenhall, G. W. Montacastle and their associates and successors and assigns be and they are hereby created a body politic and corporate under the name and style of "The Bank of Kernersville," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continuous succession for sixty years, and a common seal for the purposes indicated in this act.

Corporate name.

Powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall not be less than fifteen thousand dollars, which may be increased from time to time to a sum not exceeding fifty thousand dollars, in shares of one hundred dollars each. Said corporation may commence business when five thousand dollars shall have been paid in.

When to commence business.

Directors.

Sec. 3. That the affairs of the corporation shall be governed by a board of not more than twelve and not less than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year and until their successors shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding annual meeting, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also to appoint its officers and fix their salaries.

President and vice-president. Term of office.

Power of directors.

To fill vacancies.

Make by-laws.

Appoint officers and fix salaries.

Location of offices.

Sec. 4. That the office or banking house of the corporation shall be located in the town of Kernersville, N. C.

General banking powers.

Sec. 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institution by the laws of North Carolina, and shall have the power to receive and pay out the lawful currency of the country, to deal

in mercantile paper, exchange gold and silver coins, stocks, bonds, notes and other securities; to buy and sell real and personal property; to lend money on personal security or to make loans secured by real or personal property; to receive deposits; and for the use and loan of money may charge a rate of interest per annum as high as may be allowed by the laws of the State, and may take and receive said interest at the time of making said loan free from all other control or liability whatsoever. When married women or minors shall deposit money or other property in the bank to their own credit or in their own name they may withdraw the same on their own individual checks and be bound thereby. Deeds of real estate shall be made by the president and vice-president under the seal of the corporation. When the bank shall cause to be sold any of the property of any of its debtors on which it has a lien to secure debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be construed as to delay or impair the mortgagor's equity of redemption.

Interest not to exceed legal rate.

May be taken at time of loan.

Deposits of married women and minors.

Deeds to real estate.

Bank may buy at its own sale.

Proviso.

Sec. 6. That the stock held by any one shall be transferred only on the books of the said corporation, either in person or by attorney.

How stock transferred.

Sec. 7. This corporation is invested with the powers and privileges incident to savings banks; may receive deposits in very small sums, the limit to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings or as fixed according as may be agreed upon between the bank and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Savings bank.

Interest on deposits.

Powers of directors.

Sec. 8. The stockholders of this bank shall be individually responsible, equally and ratably, and not for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares. The term stockholder, when used in this chapter, shall apply not only to such persons as appear by the books of the corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person; but not to a person who may hold the stock as collateral security for the payment of a debt.

Liability of stockholders.

Stockholder defined.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of January, A. D. 1903.

Chapter 11.

AN ACT TO AMEND CHAPTER 202 OF THE PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Corporate name changed.

Section 1. That chapter two hundred and two (202) of the Private Laws of 1899 be amended by striking out the words "The Commercial and Savings Bank" wherever they occur, and inserting in lieu thereof the words "Goldsboro Savings and Trust Company."

Sec. 2. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of January, A. D. 1903.

Chapter 12.

AN ACT TO INCORPORATE THE "BANK OF SELMA."

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That M. C. Winston, N. E. Edgerton, R. B. Whitley, R. M. Nowell and R. J. Noble, their present and future associates, successors and assigns, are hereby declared to be a body politic and

Corporate name.

corporate by the name and style of the "Bank of Selma," and shall

Duration.

so continue for a period of sixty years, with capacity to take, hold

Corporate powers.

and convey real and personal property, with the rights, powers and privileges incident or belonging to corporations, set forth and referred to in the first, second and third sections of chapter 16, Volume

Banking privileges.

I of The Code, entitled "Corporations." And also all privileges conferred upon banks by chapter 769, Public Laws of 1901, not inconsistent with this act.

Capital stock.

Sec. 2. The capital stock of said bank shall be ten thousand dollars, in shares of one hundred dollars each. And the capital

May be increased.

stock may be increased from time to time, as said corporation may elect, to a sum not exceeding fifty thousand dollars.

Books of subscription.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such period or periods as they shall determine.

Meeting for organization.

Sec. 4. Whenever ten thousand dollars is subscribed for, the said corporators, or any three of them, may call a meeting of the stockholders in the town of Selma at the office of the Bank of Selma,

and they may proceed to adopt such by-laws and regulations for the government of the bank as they please, not inconsistent with the laws of this State nor of this act, and may elect such board of directors, not less than five, as they may deem necessary, to serve for one year or until their successors may have been chosen, or for such terms as they may prescribe. An interest in the present private partnership known as the "Bank of Selma" may be exchanged for a like interest in the corporation chartered by this act; and persons holding stock in the partnership known as the "Bank of Selma" may exchange their interest for stock in this corporation upon such terms as may be mutually agreed upon by the directors of this corporation and the partners composing the partnership aforesaid: *Provided, however*, that stock in the corporation shall not be issued to a greater amount than the par value of stock in the partnership aforesaid.

By-laws.

Directors.

Term of office.

Interest in Bank of Selma exchangeable for stock in this bank.

Proviso.

Sec. 5. The directors shall elect one of their number to be president, and shall appoint a cashier and such officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors during the continuance in office of said directors; and the directors shall prescribe their duties and may take from them bonds with security for the faithful discharge of their duty, and may fix their compensation.

President and other officers.

Term of office.

Bonds.

Sec. 6. The said board of directors may adopt and use a seal, and may break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations, especially those set forth in chapter four, Volume II of The Code; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans on mortgages on real and personal estate at a rate of interest not exceeding the legal rate, and they shall direct when dividends of profit shall be made and declared.

Further powers of directors.

Interest not to exceed legal rate.

May loan on crop liens.

Banking house.

Dividends.

Sec. 7. That if any subscriber shall fail to pay for his stock or any part thereof as same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold, by order of the directors, for cash, at the banking house of said corporation in the town of Selma, after advertisement of such sale for thirty days in some

Enforcement of subscription.

newspaper published in Johnston County, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Warehouse powers conferred.

Sec. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances on merchandise or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances, and to collect and receive interest and commissions, compensation for storage and all labor incident thereto. All advances made by said corporation on property received for storage or deposit and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Advances and charges lien on property stored.

Deposits of married women, minors and apprentices.

Sec. 9. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specifically to their own credit, they, or any of them, may draw the same on their check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and said check or order will be a valid and sufficient release to said corporation against such married woman, minor or apprentice, and all other persons whatsoever.

Savings department.

Sec. 10. The bank is authorized to organize in connection with its general banking business a department for savings, and do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said bank to receive small deposits in the savings department, and to give certificates or other evidences of deposit, and to pay and to charge such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, and to regulate the time of payment and notice of demand.

Interest.

Liability of stockholders.

Sec. 11. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said bank to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Location.

Sec. 12. That said bank shall be located at Selma, North Carolina.

Votes of stockholders.

Sec. 13. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock of the par value of fifty dollars, and two votes for each share of stock of the par value of one hundred dollars, held by him or her.

Sec. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 29th day of January, A. D. 1903.

Chapter 13.

AN ACT TO ENABLE THE TOWN OF MADISON, IN ROCKINGHAM COUNTY, TO PURCHASE THE ACADEMY LOT IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the town of Madison, in Rockingham County, be and they are hereby authorized and empowered to order an election to be held at the time of the election of town officers, on the Tuesday next after the first Monday in May, in the year 1903, on the question of whether the said town of Madison shall assume and pay the sum of thirteen hundred dollars ($1,300) now due and owing on the town Academy and five acres of land on which said Academy is situated.

Town commissioners may order election.

Time of election.

Question to be voted on.

Sec. 2. That the Board of Commissioners of the town of Madison shall provide a separate box in which to deposit the ballots cast at said election, which ballots shall be written or printed on white paper.

Separate ballot-box.

Ballots.

Sec. 3. That all those in favor of the measure shall vote a ticket containing the words "For Purchase of Academy," and those opposed, the words "Against Purchase of Academy"; and if a majority of the qualified voters of the town of Madison shall vote for said measure said town shall purchase the Academy and five acres of land on which it is situated, and a conveyance of the title thereto shall be executed to the said town of Madison in fee-simple by the proper party or parties, upon the payment of the aforesaid sum of thirteen hundred dollars ($1,300) to the party or parties to whom it is due and payable.

What ballots to contain.

Purchase to be made if majority so vote.

How title executed.

Sec. 4. That the Board of Commissioners of the town of Madison, through its Mayor, shall give thirty days' notice in some newspaper published in the town of Madison, if any is so published, of such intended election. And if no such newspaper is published in said town said notice shall be posted in four public places in said town.

Notice of election.

Sec. 5. That the registration of voters and the election herein provided for and the counting of votes shall be in accordance with the provisions of the existing law in regard to the election of officers in the town of Madison, except as to the provision herein contained relating to the box in which the ballots shall be counted.

Registration and election under existing laws.

Exception.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 29th day of January, A. D. 1903.

Chapter 14.

AN ACT FOR THE RELIEF OF ANNIE P. SMITH OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

School claim to be paid.

Section 1. That the Treasurer of Davie County is hereby authorized, empowered and directed to pay Miss Annie P. Smith the sum of ninety-nine and 87-100 dollars due her as teacher of the public school in District No. 4, Fulton Township, of Davie County, for the white race, in the year 1901, out of any money in his hands due the public schools of said county: *Provided*, the said Annie P. Smith procure an order on said Treasurer from the committee of said district.

Claimant to procure order.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 29th day of January, A. D. 1903.

Chapter 15.

AN ACT FOR THE RELIEF OF "THE PEOPLE'S BENEVOLENT AND RELIEF ASSOCIATION."

Preamble.

Whereas, "The People's Benevolent and Relief Association, a corporation incorporated by the General Assembly at its session in the year 1897, chapter 22 Private Laws, which by virtue of the provisions of section four (4) of its charter is exempted from all privilege, State, county, city and town taxes; and

Preamble.

Whereas, the said association is and has been conducted for purely benevolent purposes, using its funds to pay sick benefits in case of the sickness of any of its members and paying to the relations or survivors death claims, for burial expenses, in case of the death of any of its members; and

Preamble.

Whereas, by the provisions of its charter two-tenths of one per cent. of all the money paid into said association is donated and paid to the "Colored Orphans' Asylum," located at Oxford, North Carolina; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the provisions of section one hundred and twelve, chapter 2 of the Laws of 1901 shall not be construed as applying to the said "People's Benevolent and Relief Association," but that all the provisions of chapter 22 of the Private Laws of 1897 shall be and remain in full force and effect. General corporation law not applicable. Exemption from taxation affirmed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 31st day of January, A. D. 1903.

Chapter 16.

AN ACT TO INCORPORATE THE "CHARLOTTE CARNEGIE PUBLIC LIBRARY."

The General Assembly of North Carolina do enact:

Section 1. That T. S. Franklin, A. Burwell, J. L. Chambers, J. Frank Wilkes, G. H. Brockenbrough, J. H. Wearn, S. S. McNinch, H. G. Link, J. Hirshinger, J. A. Fore, C. G. McManaway, T. W. Dixon and their successors be and they are hereby created a body corporate by the name of the "Charlotte Carnegie Public Library," and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real estate in the city of Charlotte, North Carolina, by purchase, gift, devise or otherwise, and may acquire, receive and hold personal property by purchase, gift and bequest, by will or otherwise; may contract and be contracted with for the purposes provided in this act, and make such rules, regulations and by-laws for its government and the exercise of its powers as in their discretion they may think necessary, and may alter the same from time to time as shall not be in conflict with the laws of this State and of the United States and not repugnant to this act. Corporators. Corporate name. Corporate powers.

Sec. 2. The powers, purposes and duties of said corporation shall be as follows: To establish and maintain a free library for the use, without any charge whatever, of the white citizens of the city of Charlotte. Powers, purposes and duties.

Sec. 3. The members of the corporation, other than the treasurer, shall receive no compensation for their services. Treasurer only to be paid.

Sec. 4. The corporation may employ a librarian, janitor and such other employees and servants as it may deem essential, and pay their salaries and wages out of any fund of the corporation. Librarian and other employees.

Sec. 5. The corporation shall not have the power to mortgage or incumber its property, nor shall it have power to contract any Limitations on powers of corporation.

debt exceeding five hundred dollars without the written assent of three-fourths of its members; nor shall its members and officers contract for the corporation in such manner that the aggregate of its outstanding indebtedness shall at any one time exceed one thousand dollars. It shall not have the power to sell and convey its real estate without the assent of the General Assembly of this State and the Board of Aldermen of the city of Charlotte.

Vacancy, how filled.

Sec. 6. Whenever a vacancy shall occur in the membership of the corporation such vacancy shall be filled by the election of another member by the remaining members for the unexpired term of such member. Any member may resign by tendering his written resignation to the president or the vice-president. Any member may be removed for physical or mental incapacity by a vote of three-fourths of other members.

Resignation.

Removal.

Officers.

Sec. 7. The officers of the corporation shall be a president, a vice-president, a secretary and treasurer (who shall also be the City Clerk and Treasurer) and an executive committee of five members. All of the said officers shall be elected at the first meeting of the members of the corporation, and those so elected shall hold their offices until their successors are duly elected.

When elected.

Term of office.

Future members of corporation, how appointed.

Sec. 8. That at the expiration of the respective terms of office of the several members, as hereinafter provided and forever thereafter, four of said members shall be elected by the Board of Aldermen of the city of Charlotte and four of said members shall be elected from the Board of School Commissioners of said city, and the Mayor shall appoint four of said members, who shall not be members of either board.

Terms of present members of corporation.

Sec. 9. That the term of office of T. S. Franklin, A. Burwell, J. Hirshinger and Geo. H. Brockenbrough shall expire the first Monday in June, 1909; that the term of office of J. L. Chambers, J. Frank Wilkes, S. S. McNinch and J. A. Fore shall expire the first Monday in June, 1907; that the terms of office of J. H. Wearn, H. G. Link, C. G. McManaway and T. W. Dixon shall expire the first Monday of June, 1905. That the said trustees of the Charlotte Carnegie Public Library shall be elected for the term of six years. That the Mayor shall appoint the successors to T. S. Franklin, A. Burwell, J. L. Chambers and J. Frank Wilkes. That the Board of School Commissioners shall elect the successors to J. Hirshinger, J. A. Fore, C. G. McManaway and T. W. Dixon. That the Board of Aldermen shall elect the successors to G. H. Brockenbrough, J. H. Wearn, S. S. McNinch and H. G. Link.

Successors, how elected.

Meetings to be in Charlotte.

Sec. 10. The first meeting and all other meetings of the members of the corporation shall be held in the city of Charlotte, North Carolina. The first meeting shall be held at such time and place in the said city as any three members may designate in written notices, signed by them and delivered to each of the other members. The

First meeting.

time and place in said city at which all subsequent annual meetings shall be held, and the times and places in the said city and upon what notice special meetings may be held shall be fixed and regulated by the by-laws of the corporation. Subsequent meetings. Notice of meetings.

Sec. 11. The president shall preside at the meetings of the corporation; shall sign all contracts on behalf of the corporation; shall be the custodian of the corporate seal and set the same to such instruments as the corporation may properly and legally direct to be executed by the corporation, and perform such other acts as he may be authorized and empowered to perform by the by-laws or by resolution of the corporation. Duties and powers of president.

Sec. 12. The vice-president shall perform all the duties of the president when the president shall be absent from a meeting or from the city of Charlotte. Duties and powers of vice-president.

Sec. 13. The secretary shall keep the records of the corporation and do such other acts as may be prescribed by the by-laws. The treasurer shall receive and disburse all the funds of the corporation under the direction of the executive committee, or as may be directed by the by-laws of the corporation, and do such other acts as the by-laws may prescribe. He shall be required to give bond in such amount as may be fixed by the corporation, and may be paid a reasonable salary or commission. Duties of secretary. Secretary to give bond.

Sec. 14. The executive committee shall have general supervision and control of the affairs of the corporation and shall perform such duties as may be prescribed by the by-laws of the corporation, but shall not have the power to do any act inconsistent with the other provisions of this act; and the corporation at any regular or special meeting may take charge and control of any matter or matters which the executive committee would otherwise have under their control. Duties of executive committee. Corporation may review.

Sec. 15. No member of this corporation shall be liable personally or individually for any contract, obligation or other liability of any kind of the corporation. Members not personally liable.

Sec. 16. At all meetings of the corporation a majority of its members shall constitute a quorum. Quorum.

Sec. 17. The General Assembly being authorized by the Constitution, Article 6, section five, to exempt from taxation property held for education, literary and charitable purposes, the property and estate which this corporation may acquire, hold and use according to the provisions of this act shall be exempted from all State, county and municipal taxation. Exemption from taxation.

Sec. 18. Any person who shall wilfully deface, injure, mutilate or destroy the books, or works of art, or furniture of the corporation shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Penalty for defacing or injuring property.

Penalty for misbehavior in library.

Sec. 19. Any person who shall use indecent or profane language in the library room or rooms of the corporation, or who shall conduct himself in an indecent or boisterous manner in such library room or rooms, or who shall wilfully or wantonly violate any reasonable rule of the corporation regulating the use of the library shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars or imprisoned for thirty days.

Building and grounds of library vested in corporation.

Sec. 20. That the property, including building and grounds, known as the "Carnegie Library," on North Tryon street, is by this act turned over into the possession and control of this corporation.

Books, charts, etc., delivered to corporation.

Sec. 21. That all the books, charts, periodicals, records and furniture now in the City Hall and being used and known as the "Charlotte Public Library" is by this act turned into the possession and control of this corporation.

Museum for Revolutionary and historical relics.

Cincinnati and Sons of Revolution to supervise museum.

Sec. 22. That one of the rooms in what is known as the "Carnegie Library" shall be designated for and maintained as a "Museum" for Revolutionary and other historical relics. This room shall be under the immediate supervision and control of the following members of the Society of Cincinnati and the Sons of the Revolution, residing in Charlotte, viz.: B. S. Davis, R. J. Brevard and Heriot Clarkson, members of the Society of the Cincinnati, and J. R. Howerton, P. H. Brown, R. A. Dunn, R. M. Oates, Warren V. Hall, members of the Sons of the Revolution, and such others and their successors as they may elect from time to time, subject to such rules and regulations and by-laws as may be adopted by this corporation.

Library for colored people to be established.

Sec. 23. That there shall be in the city of Charlotte a public library for colored people, to be known as the "Charlotte Public Library for Colored People."

Corporators of colored library.

Powers and duties.

Sec. 24. That Thad L. Tate, J. W. Smith, P. F. Maloy, P. P. Alston, H. A. Hunt, W. P. Phifer and their successors be and they are hereby created a body corporate by the name of the "Charlotte Public Library for Colored People," and shall have charge and control of the library for colored people, with the same powers, duties, responsibilities, etc., as are conferred on the trustees beforementioned for the white library.

Aldermen to provide place for library.

That the Board of Aldermen shall provide a suitable place for said library, and the said trustees shall make all rules, regulations and by-laws for its government and have all the powers conferred on and subject to the limitations imposed on the white's trustees.

Libraries to be separate and distinct.

Sec. 25. That the two libraries shall be separate and distinct, and one shall be for the white race and the other for the colored race. That the white library shall be used exclusively for white people and the colored library for the colored people.

Sec. 26. That T. L. Tate's and H. A. Hunt's term of office shall expire June, 1907; that P. P. Alston's and A. F. Maloy's term of office shall expire June, 1905; that J. W. Smith's and W. P. Phifer's term of office shall expire June, 1903, and their successors shall be elected by the Board of Aldermen of said city. Terms of office of corporators.

Sec. 27. That the Board of Aldermen shall annually turn over to the trustees of said libraries for the white and colored people the sum of twenty-five hundred dollars, which the people voted for that purpose on May 6, 1901; that the said sum of twenty-five hundred dollars shall be distributed between the trustees of the two libraries in such proportion as is just and equitable, all things being considered. Appropriation for libraries. Distribution.

Sec. 28. That all contracts that have been made by the Board of School Commissioners of the city of Charlotte in reference to the white city library shall be binding on this corporation for the white race and be fulfilled and carried out by it. Contracts of school commissioners binding on corporation.

Sec. 29. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 31st day of January, A. D. 1903.

Chapter 17.

AN ACT TO INCORPORATE THE TOWN OF SHELMERDINE, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the territory hereinafter described, composing the existing settlement known as Shelmerdine, in Pitt County, and those who may hereafter reside within such boundaries, are hereby incorporated as a town under the name and style of "Shelmerdine," and are hereby invested with all the rights, powers, privileges and immunities and are made subject to all the provisions of chapter sixty-two of Volume II of The Code of North Carolina and all amendments thereto, so far as the same are not inconsistent with the provisions of this act. Body corporate. Corporate powers.

Sec. 2. That the boundaries of said town shall be as follows: Beginning at the point where the main line of the Beaufort County Lumber Company's railroad crosses Clay Root Swamp and running from thence southward with the run of said swamp to the public road leading from Stokestown to Washington; thence eastward, along the south side to Adams' Cross Roads; thence along said Washington road, still on the south side thereof, to the residence of Richard T. Gaskins; thence along said road northward, on the Boundaries.

east edge thereof, to and through the Susan Adams' land; thence along the northern boundaries of said Susan Adams' land to a point three hundred (300) yards from the Greenville and Vanceboro public road; thence parallel with said public road to and through the lands of John B. Williams; thence a straight line to the beginning.

Officers. Temporary officers.

Sec. 3. That the officers of said town shall consist of a Mayor and three Commissioners. Until a Mayor and Commissioners shall be elected as hereinafter provided and qualified to act, J. B. Williams shall fill the office of Mayor, G. W. McGowan, Stephen S. Spivey and W. A. West the offices of Commissioners of said town.

Town elections.

Sec. 4. There shall be an election held for the offices of Mayor and Commissioners on the first Monday in May, nineteen hundred and three, and annually thereafter, in the manner prescribed by law for municipal elections. Within five days after their election they shall convene for the transaction of business and shall fix their stated days of meeting, which shall be at least as often as once a month. Special meetings of the Commissioners may be held on the call of the Mayor or a majority of the Commissioners, and of every such meeting those not joining in the call shall be notified verbally or in writing.

Meetings of commissioners. Special meetings.

Commissioners to elect other officers.

Sec. 5. That the said Commissioners shall have the power and authority to appoint a Clerk and such policemen and other officers as they may deem necessary for the government of said town, and to fix and determine their salaries, prescribe their duties and require of them official bonds.

When commissioners to elect mayor.

Sec. 6. That if any person who shall be elected Mayor shall refuse to qualify, or there is a vacancy in said office after election and qualification by reason of resignation or otherwise, or if the Mayor be temporarily absent from town, or be unable to discharge the duties of his office from sickness or otherwise, the Commissioners shall choose one of their number to act as Mayor *pro tempore*, or to fill the unexpired term; and likewise in case of a Commissioner's refusing to qualify, or in case of resignation or inability to act, the remaining Commissioners shall elect some suitable person to fill the vacancy.

Vacancy in board, how filled.

Commissioners to make ordinances, etc.

Sec. 7. That the Commissioners shall have power to make and provide for the enforcement and execution of such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, the same be not inconsistent with the laws of the State.

Further powers of commissioners.

Sec. 8. That the Commissioners shall have the power, and it shall be their duty, to provide for and secure the peace, good order and tranquility of the town against disturbances by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or irregularities of whatever nature tending

to disturb the peace of the citizens. They shall provide for the repairing of the streets, sidewalks and alleys, and cause the same to be kept clean and in good order; take all proper means to prevent or extinguish fires, make regulations for the observance of the Sabbath; suppress and remove nuisances, and prohibit any indecent exposure of person by imposing such fines and imprisonments in all cases within the jurisdiction of justices of the peace as they shall deem adequate. They may require the abatement and removal of all nuisances, and shall have power to pull down any old house, barn or other building when the same may be considered dangerous, from fire or other causes, to the safety of the person or property of the citizens: *Provided, however,* that before such removal the owner shall be notified of such action and allowed one month for repairing or removing such building.

To lay out streets.

Sec. 9. That the Commissioners shall have power to lay out or open any new street or streets or alleyways within the corporate limits of said town whenever deemed by them necessary, and they shall have power at any time to widen, enlarge, change, extend, narrow or discontinue any street or streets whenever they may so determine, by making a reasonable compensation to the owners of property damaged thereby. In cases when the owners of land cannot agree with the Commissioners regarding the value of the property damaged and the amount of damages, the Mayor of the town shall issue his warrant to the policeman, commanding him to summon three disinterested freeholders of said town, who, together with two other disinterested freeholders of said town, to be selected by the party claiming damages, shall determine and assess the damages, after which they shall return a report of their proceedings to the Mayor of the town. Before proceeding to view the premises and assess the damages the parties so summoned shall take an oath before the Mayor or a justice of the peace to make a fair, just and impartial appraisement or assessment of any damages that may be sustained. If the party claiming damages refuses to select two appraisers as above provided, the report of the three summoned on the part of the town shall be final: *Provided, however,* that if either the Commissioners or the party claiming damages be dissatisfied with the report of the appraisers, then they may appeal to the Superior Court of Pitt County, and in that case the report of the valuation and the proceeding therein shall be sent by said appraisers to said court there to be determined.

How damages assessed.

Award may be appealed from.

Guard-house.

Sec. 10. That the Commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances; and for feeding such prisoners the officer having charge of the same shall be allowed such compensation as is allowed to the Sheriff of Pitt County.

Allowance for feeding prisoners.

Power to levy taxes.

On real and personal property.

On polls.

On other subjects.

Sec. 11. That in order to raise funds for the expenses incident to the proper government of the town the Commissioners may annually levy and collect the following taxes, namely: (1) On all real and personal property within the corporate limits, including money on hand, and upon all subjects taxed by the State *ad valorem*, a tax not exceeding thirty-three and one-third cents on every one hundred dollars value. (2) On all taxable polls not exceeding one dollar each, who may be a resident of the town on the first day of June of each year. (3) On all other subjects of taxation not to exceed one-half of the State tax.

How taxes collected.

Bond.

Sec. 12. That all taxes due the town shall be collected by the officer designated for that purpose by the Commissioners in the same manner as sheriffs are allowed to collect taxes. The person designated to collect such taxes before entering upon the discharge of his duties shall execute and deliver to the Commissioners a good and sufficient bond, payable to the State of North Carolina, in a sum double the amount of taxes levied for the preceding year, which bond is to be approved by the Commissioners.

Citizens to work streets.

Sec. 13. That for the purpose of keeping the streets of said town in good repair and condition the Board of Commissioners may require all male citizens of the age of eighteen years and not over forty-five years to work upon said streets in the same manner as public roads are now required to be worked under the laws of the State.

Imprisonment for fines.

Prisoners may be worked on streets.

Sec. 14. That the Mayor shall have power to imprison for fines imposed by him, and any person who shall be convicted of violating an ordinance of said town who shall refuse to pay the costs and fine imposed upon him may be required to work upon the streets at such sum per day as may be fixed by the Commissioners, until such costs and fine are paid.

Sale of liquor unlawful.

Commissioners not to grant license.

Punishment.

Sec. 15. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within said town or within one mile from the corporate limits thereof, except for medical purposes, and then only upon the written prescription of a practicing physician; and the Commissioners shall have no power to license any person to sell such liquors within the corporate limits of the town except for medical purposes as aforesaid. Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

Chapter 18.

AN ACT TO AMEND CHAPTER 15, LAWS OF 1895, RELATIVE TO THE TERRITORIAL LIMITS OF BRANCHES OF THE FARMERS' MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter 15 of the Acts of the General Assembly of North Carolina, ratified on the 5th day of February, 1895, be amended by striking out the word "two" in section nine of said act and inserting in lieu thereof the word "three." Branch may include three counties.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

Chapter 19.

AN ACT TO AMEND CHAPTER 159 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1901, BEING "AN ACT TO INCORPORATE THE EASTERN INSURANCE COMPANY," BY CHANGING THE NAME OF SAID CORPORATION TO "THE EASTERN LIFE INSURANCE COMPANY OF AMERICA."

The General Assembly of North Carolina do enact:

Section I. That chapter 159 of the Private Laws of North Carolina of the General Assembly of 1901, ratified the 26th day of February, A. D. one thousand nine hundred and one, being an act entitled "An act to incorporate the Eastern Insurance Company," be and is hereby amended by striking out the words "Eastern Insurance Company" wherever they occur in said act and inserting in lieu thereof the words "The Eastern Life Insurance Company of America," so that the name of the said corporation shall be "The Eastern Life Insurance Company of America." Corporate name changed.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

CHAPTER 20.

AN ACT TO AMEND CHAPTER 172 OF THE PRIVATE LAWS OF 1901, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF TOXAWAY, IN TRANSYLVANIA COUNTY, NORTH CAROLNA."

The General Assembly of North Carolina do enact:

Caption amended.

SECTION 1. That the caption of chapter 172, entitled "An act to incorporate the town of Toxaway, in the county of Transylvania, North Carolina," be amended by striking out the word "Toxaway" in the caption of said act and inserting in lieu thereof the word "Estatoe."

Name changed.

SEC. 2. That the word "Toxaway" be stricken out of the said act, chapter 172, Laws of 1901, wherever it occurs in said chapter, and the word "Estatoe" inserted in lieu thereof.

Laws and ordinances to apply.

SEC. 3. That the town heretofore known as Toxaway in said county of Transylvania, North Carolina, shall hereafter be known as the town of Estatoe, and all laws and ordinances hertofore enacted pertaining to said town of Toxaway shall be continued in force and apply to the town of Estatoe.

SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

CHAPTER 21.

AN ACT TO INCORPORATE THE SAVINGS LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That H. L. Price, F. H. Wolfe, T. J. Gordon, R. B. Redwine and J. D. Henely and their associates, successors and assigns be and they are hereby constituted, created and declared to be a body politic and corporate under the name and style of "The

Corporate name.

Savings Loan and Trust Company," with full power and authority

Corporate powers.

to contract and be contracted with, sue and be sued, plead and be impleaded in the several courts of the State, and vested with all franchises, rights and privileges incident to corporations, and as such shall have continuous succession for a period of sixty (60) years.

Capital stock.

SEC. 2. That the capital stock of said corporation shall be ten thousand dollars, in shares of twenty dollars each, with the liberty

of the stockholders, or a majority of them, to increase said capital stock from time to time to one hundred thousand dollars. May be increased.

Sec. 3. That the principal office and place of business of said corporation shall be in the city of Monroe, Union County, North Carolina, and the said corporation shall have the right to establish branch offices at such other points in North Carolina as the stockholders and board of directors may from time to time agree upon, a majority vote always controlling: *Provided, however,* that all branch offices established under this section shall be under the control of the directors and officers of the said corporation, and the said corporation shall be liable for all the debts and other liabilities of any branch office so established: *Provided further,* that nothing herein contained shall be so construed as to prevent the election of local boards of directors and such other officers and agents to take immediate control and supervision of any branch office established under the provisions of this act, as may be named, and in such manner as may be provided for in the by-laws of said corporation, but such local boards, officers and agents shall at all times be amenable to the directors and control of the principal officers and directors of the said corporation hereinbefore named. Location. Branch offices. Local boards of directors. Under control of principal directors.

Sec. 4. That said corporation hereby created shall have three (3) years from and after the ratification of this act in which to organize and commence business, and no longer, and in event it fails to oragnize and begin business within said period of two (2) years the powers herein granted shall cease and determine; that the said corporation may be organized as follows: The corporators or a majority of them may immediately, after the ratification of this act, or at any time within two (2) years thereafter, open subscription books by giving such notice as they may deem proper, and when the capital stock has been subscribed, and after ten (10) days' notice to the subscribers, given by the above named corporators, or a majority of them, in some newspaper published in said county and State of a meeting to be held by the subscribers, they may organize, and after one-half of the capital stock has been paid in the said corporation may begin business, and the remainder of the capital stock shall be paid in within ninety (90) days upon call of the directors. Must organize within three years. How corporation may be organized. Books of subscription, notice of opening. Notice of meeting for organization. When business may begin. When remainder of stock to be paid.

Sec. 5. That the directors of said corporation are hereby fully authorized and empowered to make and adopt such by-laws, rules and regulations as they may deem necessary or expedient for the control, management and government of said corporation: *Provided,* they be not inconsistent with the laws of the State of North Carolina. That in all stockholders' meetings each share shall have the right to be represented by one vote, and the same may be cast by the owner or by written proxy, and a majority of the shares shall constitute a quorum for the transaction of business. Powers of directors. Vote of stockholders. Quorum.

Officers and directors.

Sec. 6. That the officers of the said corporation shall consist of a president, vice-president, cashier and a board of not less than five (5) nor more than nine (9) directors, the number of said directors to be decided on by the stockholders and elected by them at their first meeting and annually thereafter, the directors to hold their offices for a period of twelve months and until their successors are elected. They shall immediately upon their election choose one of their own number president and another vice-president, and shall elect a cashier; they shall require such cashier to give a good and sufficient bond for the faithful performance of duty, and shall have full authority to discharge him at any time. They may require such other officers and agents to give such bonds as they may deem expedient.

Term of office.

Cashier, to give bond.

Bonds of other officers and agents.

Quorum of directors.

Sec. 7. That a majority of the board of directors shall constitute a quorum for the transaction of business, and that said board shall fix the salaries of its officers and fill all vacancies on the board of directors. Said board may adopt and use a common seal and alter the same at pleasure, appoint all necessary clerks, assistants and agents, require such bond from each as they may deem expedient, and prescribe their duties, and may, when they deem it for the best interest of the corporation, discharge any or all of them and appoint others to fill their places.

Further powers of directors.

How stock transferred.

Sec. 8. That no stock held in this corporation shall be transferred except on the books of the corporation in person or by written power of attorney, and no stock shall be transferred from any one indebted in any way to said corporation without the consent of a majority of the directors in meeting expressed; and the stock of any debtor shall be liable for such debt, and shall be affected with a lien in favor of said corporation for such indebtedness, and such lien shall be superior to all other liens.

Lien on stock for debt to bank.

Liability of stockholders.

Sec. 9. That no stockholder of said corporation shall be individually liable for any indebtedness of said corporation except as provided in section 25 of chapter 769 of Public Laws of 1901, entitled an act to provide for the State banking system of North Carolina.

May accept and execute trusts.

Sec. 10. That said corporation shall have power and authority to receive moneys in trust, and loan and invest the same, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, firm, partnership, person or persons, and shall have power to accept any grant, assignment, transfer, devise or bequest, and hold any personal or real estate in trust, created in accordance with the laws of this State, and then to execute to same on such terms as may be agreed upon, and said corporation is hereby fully authorized and empowered to act as trustee, assignee, receiver, guardian, administrator, executor or other fiduciary, and to receive on deposit all funds in litigation

May act in fiduciary capacity.

in the various courts of this State or any other funds in the hands of the Clerk of the Superior Court of any county, or in the hands of any receiver, trustee, guardian, executor, administrator, assignee or other fiduciary, and pay therefor such interest as may be agreed on. It shall have power and authority to receive for safe-keeping or on deposit all money, certificates of stock, evidences of indebtedness, deeds or muniments of title, bonds, stocks, diamonds and silver plate and any other valuables, and charge and collect a reasonable compensation for same, which said charge shall be a lien upon said deposit until paid, and generally to do and carry on the business of a safety and deposit company, and to solicit insurance, and in all other matters act as agents for others as fully as an individual may.

May receive deposits of trust funds.

Interest.

May take deposits for safe-keeping.

Charges lien on deposits.

May act as agent.

Sec. 11. That said company shall have the right to act as agent, factor or trustee for any State, county, town, municipal corporation, company or individual on such terms as to the agency and commissions as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, county, town, municipal corporation, company or person, bonds, certificates of stock of any description, or property, real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business may charge and collect such prevailing commissions or rate of compensation as may be agreed on for any of the matters and things authorized by this section.

May act as agent for municipal corporations and others.

Commission and compensation.

Sec. 12. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of safe-keeping or for being invested, and issue its certificates therefor, in such sums and on such terms as may be agreed upon, and said corporation shall have power by its directors to declare and pay out profits or dividends at any time when the net earnings shall exceed four (4) per cent. of the capital stock.

May receive deposits and issue certificates.

Dividends.

Sec. 13. That said corporation may subscribe to, purchase, acquire or lend money on any stock, share, notes, debentures or other securities, or any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person, shares, stocks, debentures, notes, mortgages or other securities without guarantee or collateral obligation by the company, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it to any corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon.

May subscribe to, purchase or lend money on stocks, bonds, etc.

May negotiate loans.

Sec. 14. That said corporation is hereby given the power and authority to endorse, insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities, or

May endorse for persons or corporations.

evidences of indebtedness of any person, partnership or corporation for any price, and on any consideration that may be agreed upon.

Further general powers.

Sec. 15. That said corporation shall have and is hereby vested with power and authority to own, acquire, buy, possess, sell, transfer and convey real and personal property of every nature and kind whatsoever, and to engage in buying and selling same, or to lend money on same, or take and hold the same in trust for any corporation, partnership, firm or person, or by way of mortgage or trust for the security of any indebtedness whatever to it or any liability whatever incurred by it.

May become security on official bonds.

Sec. 16. That said corporation shall have power and authority to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on bonds or undertakings of all kinds in any court of justice as fully as a natural person may do by the signature of its president, cashier or other officer appointed and authorized by the rules and regulations of the company to do so.

May be appointed receiver, trustee and in other fiduciary capacities.

Sec. 17. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint "The Savings Loan and Trust Company" such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in qualifying to any of the offices or trusts, in accounting or in final settlement or otherwise as to the above mentioned offices or trusts, may be taken by any officer of said corporation appointed or authorized by its rules and regulations, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Charges to be allowed.

Oaths taken by officers.

How to give bonds when acting as fiduciary.

Sec. 18. That in lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary it shall be lawful, before assuming any such trust under order of any court, when a bond is required, for the said corporation to file in the office of the Clerk of the Superior Court in Union County, or in such county as it shall qualify or be required to file such bond and undertaking with sufficient security, in double the value of the particular estate to be taken in charge, with either personal

sureties or bonds of the State of North Carolina, or any other security satisfactory to the court, and to be approved by the Clerk of the Court, and the said undertaking so secured may be accepted by the Clerk and held as such security, conditioned for the faithful performance of such trust committed to said corporation as aforesaid.

May borrow money.

Sec. 19. That said corporation shall have power and authority to borrow money in such amounts and such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account or on certificate of deposit, and pay interest thereon or not.

May receive deposits.

Interest on deposits.

May do savings bank business.

Sec. 20. That this corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches; may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon at fixed rates as may be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to make all needful rules and regulations for conducting and carrying into effect the different features of this branch of the corporation. If money be deposited by any minor or *feme covert*, either for safe-keeping, for investment or otherwise, such money may be withdrawn by such minor or *feme covert* without the consent of the parent or guardian of such minor or the husband of such *feme covert*, and his or her check or receipt therefor shall be binding upon such minor or *feme covert* as though he or she were of full age or unmarried.

Interest on deposits.

Deposits of minors and married women.

May do general banking business.

Sec. 21. That said corporation shall have the right to do a general banking business; to receive deposits; to make loans and discounts; to obtain and procure loans for any person, company, corporation or partnership and charge and receive such compensation therefor as may be agreed upon, not to exceed the legal rate of interest; to invest or loan its own money or any money under its control or custody for others; to lend or invest money in or upon the security of mortgage, pledge or deed of trust or otherwise, on any land, hereditaments or personal property or interest therein of any description, situated anywhere, bonds of the United States, or of the State of North Carolina, or of any county, town or city; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial paper, or any crops or produce whatever, or any stock, bullion, merchandise or other personal property, or to buy, own or sell or otherwise dispose of the same, and to charge any rate of interest on all such loans not exceeding

Interest not to exceed legal rate.

May take interest in advance.

the rate allowed by law, and to retain such interest in advance or collect the same at any time agreed upon by said corporation and the borrower, and in event any debtor to said corporation fails to pay off and discharge his indebtedness when due the said corporation may exact and collect such sum, with legal interest and reasonable costs, charges and expenses made and incurred in such collection.

May convey real estate.

How deed executed.

Sec. 22. That said corporation shall have power and authority to convey land, hereditaments, or any character of real property as grantor, mortgagee, trustee or otherwise, and a deed of conveyance executed by its president with its corporate seal affixed and attested by the cashier shall operate to convey all such property as fully and effectually as it could be done by an actual person.

May do warehouse business.

Lien on property for charges.

Sec. 23. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots in the city of Monroe, North Carolina, or elsewhere for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules and regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and the receipts

Receipts negotiable.

issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery and to entitle the bearer thereof to the property marked and designated therein in such manner as the original holder would be had not such an assignment been made: *Provided*, that in the absence of any stipulation in the receipt or any contract between the said corporation and any disposition of property in said houses, the said

Liability of company.

company shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

Sec. 24. That this act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

Chapter 22.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-EIGHT OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-ONE, AND TO CORRECT AN ERROR IN AMENDMENT THERETO.

The General Assembly of North Carolina do enact:

Corporate name changed to "Deposit and Savings Bank."

Section 1. That chapter one hundred and thirty-eight of the Private Laws of eighteen hundred and ninety-one, entitled "An Act to incorporate 'The American Home, Mineral and Timber Land Company,'" ratified the 28th day of February, A. D. 1891, and also chapters one hundred and eighty-six and three hundred and twenty-eight, amendatory thereof, of the Private Laws of eighteen hundred and ninety-three, be amended by striking out the words "The American Home, Mineral and Timber Land Company" wherever they appear in said chapters and by inserting in lieu thereof the words and character "Deposit and Savings Bank"; also by striking out the word "Treasurer" wherever it appears in said chapters and by inserting in lieu thereof the word "Cashier"; and that chapter one hundred and eighty-six of the Private Laws of 1893 be amended by inserting in section four, line four, after the word "conferred" and before the word "as," the word "or."

Deposit and Savings Bank successor to "The American Home, Mineral and Timber Land Company."

Former charter re-enacted.

Sec. 2. That the said "Deposit and Savings Bank" shall succeed to and enjoy all the rights, powers, privileges, franchises and responsibilities heretofore granted "The American Home, Mineral and Timber Land Company," or acquired or assumed by it by gift, purchase, undertaking or otherwise, and the said charter of "The American Home, Mineral and Timber Land Company" is hereby re-enacted and made a part of the charter of the "Deposit and Savings Bank" charter.

Further amendments.

Sec. 3. That chapter one hundred and thirty-eight of the Private Laws of eighteen hundred and ninety-one be and the same is hereby further amended by adding thereto the following sections, to be known as sections 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of said act:

General banking powers.

"Sec. 19. That said Deposit and Savings Bank, by its board of directors or duly authorized agents or officers, shall have the right to exercise all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; by receiving deposits; by buying and selling exchange, coin and bullion; by loaning money on personal security, personal or real property. Such association or corporation at the time of making loans or discounts may take and receive in advance such interest as may be agreed upon, not exceeding the legal rate. Said corpo-

May take interest in advance. Rate.

Deposits.

Interest on deposits.

Certificates.

What bank may deal in.

What security bank may lend on.

ration may receive on deposit gold, silver, paper money and all other kinds of money, or not, from corporations, courts, copartnerships, trustees, executors, administrators, guardians, persons, receivers or others, and may pay interest on deposits, or not; may issue certificates of deposit bearing interest or without interest; may receive and pay out the lawful currency of the country; may deal in exchange, gold and silver coin, jewelry, diamonds, personal property, stocks, bonds and other securities; may make loans and discounts; may obtain and procure loans for persons, corporations, partnerships, companies or others; may invest its own money or the money of others; may lend and invest money in or upon the security of mortgage, pledge, notes, bonds, endorsements, deeds or otherwise on any lands, hereditaments, or personal or real property, or interest therein of any description, situated anywhere; may lend money upon or purchase or otherwise accept bills of lading, or the contents thereof, bills of sale, bills, notes, choses in action, or any and all negotiable or commercial paper, or any crop or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise, live stock, personal or real property, and the same to sell or otherwise dispose of, and may charge any rate of interest on any such loan not exceeding the legal rate, and may collect such interest, commission or charges in advance, or as may be agreed upon."

Savings bank powers.

Dividends on deposits.

"Sec. 20. That said corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches according to the laws governing such banks, and may receive deposits in very small amounts, the limits to be fixed by the board of directors, and may pay out deposits, together with such dividends or earnings or fixed rates according as may be agreed upon between the corporation and its depositors; and the board of directors are hereby authorized to make all such needful by-laws and regulations for conducting the savings bank feature of the corporation as may be necessary."

Deposits for safe keeping.

"Sec. 21. That said corporation is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver or paper money, bullion, precious stones, metals, jewelry, keepsakes, pictures, paintings, certificates of stock, bonds, evidences of indebtedness, deeds, mortgages, muniments of title, valuable papers of any kind, or any article or thing whatsoever which may be left on deposit or in charge of said corporation for safe-keeping, and said corporation shall be entitled to and may charge and collect such compensation for the safe-keeping of such property so deposited as may be agreed upon, and upon payment of all charges to deliver such property to the owner or owners, their representatives, successors, executors, administrators, assigns or heirs, or to their order; if, however, the charges are not paid as agreed upon or

within a reasonable time, such charges shall be a lien upon the property so deposited, and said property may be sold for the debt or charges, and said corporation is hereby fully authorized to make title to all such property at such sale; and said corporation may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued therefor or for any other property, article or thing deposited elsewhere in the possession of said corporation shall be negotiable by delivery entitling the holder to the property mentioned in said certificate or receipt without regard to depreciation of property, and said corporation shall exercise ordinary care in the custody and protection of the property that may be deposited or stored with said corporation."

Charges a lien on deposits.

Warehouse powers.

Certificates negotiable.

"Sec. 22. The said corporation is hereby fully authorized and empowered to and may act as trustee or assignee for any insolvent person, copartnership, firm or corporation, and may receive on deposit all funds or property of any kind in litigation in the various courts of this State, and may make such charges and give such security therefor as may be agreed upon; may receive money in trust, and may accept and execute any other trust that may be committed to it; and said corporation may and shall have power to accept any grant, gift, transfer, devise or bequest and dispose of the same; to hold real or personal estate or trust created in accordance with the laws of this State, and execute the same on such terms as may be agreed upon, and to become surety on the bond of any State, county, city or town official, on the bond of any administrator, executor, guardian, trustee, corporation, firm or natural person by the signature and justification of any of its executive officers so authorized by the rules of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals, and said corporation may charge and receive such compensation for such suretyship as may be agreed upon; and it shall be lawful for any court in this State to designate said corporation to act in any fiduciary capacity."

May act in fiduciary capacity.

May become surety on bonds.

Oath.

Compensation.

"Sec. 23. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures, or other securities of any government, municipality, corporation, person, partnership or company, and hold, deal in, sell or distribute the same to the stockholders; may negotiate or place in behalf of any corporation, person or persons, shares, stocks, bonds, notes, debentures, mortgages or other securities with or without guarantee or collateral obligation by said corporation, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for, beyond the terms of said purchase or subscription.

May subscribe to and deal in stocks and bonds of other corporations and persons.

Deposits for investments.

Said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums and at such times and on such terms to which the board of directors may agree as to an investment or otherwise. The said corporation shall have discretionary power to invest the funds received by it in trust in such bonds of the United States, or of any State, or in the bonds duly authorized to be issued by any county or city, or other good securities in safe real estate or other securities or property; but such investments shall be at the sole risk of the corporation, and for any losses by reason of such investments the capital stock, property and effects of said corporation shall be absolutely liable. The said corporation shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment. The said corporation may, in case any borrower from said corporation fails to meet his obligation, exact and collect such amounts or percentage as may have been agreed upon, not exceeding the legal rate of interest and reasonable costs, charges and expenses, and in case of sale, of either real or personal security, may make title to the purchaser."

Investments of trust money authorized.

Income of trust estates.

May act as fiscal agents.

"Sec. 24. That said corporation may act as the fiscal or transfer agent, trustee or agent for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and distribute money and negotiate, sell, transfer, register and countersign certificates of stock or other evidences of indebtedness, and may charge and receive compensation therefor."

Compensation.

Dividends.

"Sec. 25. That said corporation shall have the right to declare dividends upon its capital stock payable in money, stock or other property, and to hold and vote the stock of other corporations, and shall have the power, and may absorb or consolidate with any other corporation in this State, and any and all corporations are hereby authorized and empowered to consolidate with or sell their property or franchise to said "Deposit and Savings Bank" on such terms and conditions as the directors of said respective corporations may agree upon, and such consolidation or consolidations, merger or mergers shall become effective upon ratification of the agreement of consolidation or merger by a majority of all stockholders of the respective consolidating corporations at any regular or special meeting thereof, and the filing of a duplicate of the original of said agreements of consolidation or merger in the office of the Secretary of State, and thereupon the consolidated corporation shall become possessed of and vested with all the property, real and personal and mixed, and all rights and privileges

May absorb or consolidate with other corporations.

Method of consolidation.

Effect of consolidation.

and franchises of the corporations so consolidating. Said consolidated corporation shall have the right to issue bonds and stocks in such amounts in consideration of the consolidation upon such terms as the agreement of the consolidation may provide. And said consolidated corporation shall have the right to increase the capital stock from time to time to such amount and dispose of the same on such terms as a majority vote of the stockholders may provide; and said consolidated company may purchase and own the stocks, bonds and evidences of indebtedness of other corporations, and may issue its stocks, bonds and evidences of indebtedness in exchange therefor." Rights of consolidated company.

"Sec. 26. That the said "Deposit and Savings Bank" may change its name at any time or times and whenever desired upon a vote of a majority of the directors, and such change of name shall become effective upon the filing with the Secretary of State a certified copy of the resolution authorizing such change of name, signed by the president and attested by the secretary under corporate seal, and under such name or names shall succeed to and enjoy all the rights, powers, privileges and franchises heretofore granted the 'Deposit and Savings Bank,' or acquired by it by gift, purchase or otherwise. That all laws or clauses of laws in conflict with the privileges, powers and rights in the charter of the 'Deposit and Savings Bank,' or in the charter of 'The American Home, Mineral and Timber Land Company' are hereby declared inoperative." Company may change name. Mode of changing name. Repealing clause.

"Sec. 27. That said corporation shall have power to act as executor, administrator, guardian, trustee, receiver or depositary, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation by agreement, grant, assignment, transfer, devise, bequest, or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law, or as may be agreed upon. In lieu of bond required by law to be given by an administrator, guardian, trustee, depositary, receiver, assignee or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court, the said corporation shall file in the office of the Clerk of the Superior Court of Wilkes County an undertaking with sufficient security, with either personal sureties or bonds of the State of North Carolina, of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court and to be approved by the said Clerk, and the said undertaking so secured may be accepted by the said Clerk and held as such security in the May act in all fiduciary capacities. Bond.

sum of whatever amount may be ordered or agreed upon, conditioned for the faithful performance of any trust which may be committed to the said corporation by order of any court of North Carolina as aforesaid. In case of default in the performance of any trust so committed to said corporation as aforesaid the said undertaking may be sued upon by the party injured or his representative in the Superior Court of any county in North Carolina where such default may have been made. A copy of such undertaking, duly certified by the seal of the Superior Court of Wilkes County, and if secured by the bonds of the State, or of the United States, or of any county or city, or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina, and the Superior Court wherein the said corporation shall have been appointed guardian, executor, administrator, receiver, trustee or depositary shall have the power to make orders respecting such trusts, and to require the said corporation to render all accounts which said court might lawfully make or require, if such trustee were a natural person. And in accepting any of the above trusts or powers hereunder the said corporation may qualify by one of its executive officers."

Remedy on default by company.

Copy of undertaking evidence.

Powers of court.

"Sec. 28. That said 'Deposit and Savings Bank' may establish branch banks or offices or agencies or transact business at such places as it may deem proper in this State."

Branches.

Sec. 4. *Provided, however,* that the name and original charter of "The American Home, Mineral and Timber Land Company" shall be and remain as in the act of incorporation of 1891, and this act shall be and remain null and void and of no effect until the directors of "The American Home, Mineral and Timber Land Company" shall meet and pass a resolution adopting the amended and enlarged charter of "The American Home, Mineral and Timber Land Company," together with the name "Deposit and Savings Bank" as herein amended, and a certified copy of said resolution signed by the president and secretary of "The American Home, Mineral and Timber Land Company," and attested by the corporate seal thereof, and said certified copy of said resolution filed in the office of the Secretary of State, from and after which time said corporation shall be known as "Deposit and Savings Bank," and this act shall be and remain in full force and effect.

Amendment to be accepted by company.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

Chapter 23.

AN ACT FOR THE GOVERNMENT OF THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate powers and authority granted to the town of Beaufort shall be vested in and exercised by a Mayor and eight (8) Commissioners. No person shall be eligible as Mayor or Commissioner unless he shall be eligible as a member of the Legislature of this State, and shall have resided within the town ninety days next preceding the election, and every Commissioner elected by the people shall be a resident of the ward for which he shall be chosen sixty days next preceding the day of election. Town government. Qualifications for mayor and commissioners.

Sec. 2. That the Commissioners shall be elected on the 1st Tuesday of May, 1903, and every two years thereafter by the qualified voters of each ward respectively as hereinafter set forth in the several sections of this act. Election of commissioners.

Sec. 3. That no person shall be entitled to register and vote in said town of Beaufort in any other ward than the one in which he is an actual and *bona fide* resident on the day of election; that every elector shall have resided in the ward in which he offers to vote sixty days prior to the day of registration and in the State two years and county six months; that the registration books shall be open for the registration of electors for three days, Thursday, Friday and Saturday, next preceding the day of election; and that all challenges shall be on the day of election. Qualifications for voters. Registration. Challenges.

Sec. 4. That the registrars and poll holders shall be appointed by the Mayor and Commissioners at least thirty days preceding the day of election and shall consist of one registrar and two poll holders of different political persuasion, and who shall be able to read and write and be otherwise competent to fill said position. Appointment of registrars and poll holders. Qualification.

Sec. 5. That the first and second wards shall each elect two Commissioners; the third, fourth and fifth wards shall each elect one Commissioner. That the Commissioners as above elected in the first and second wards shall appoint one Commissioner at large. The Commissioners thus elected shall within five days after their election qualify by taking the oath of office before some officer qualified to administer oaths, and immediately and at the first meeting of said Board of Commissioners they shall elect some one of their number as Mayor of said town; said Mayor shall duly qualify by taking the oath of office before some officer qualified to administer oaths within three days after his election. The Mayor thus elected and qualified shall preside at all meetings, and in case Commissioners from wards. Commissioners at large. When commissioners to qualify. Election of mayor. Duties of mayor.

Term of commissioners.

of a tie shall give the casting vote. The Board thus elected shall hold their office for the term of two years or until their successors are elected and qualified.

Five wards.

Sec. 6. That the town of Beaufort shall be divided into five

First ward.

wards, bounded as follows, to-wit: The first ward shall consist of that part of the town included within these boundaries: Beginning at the west end of Ann street and running east with Ann street to

Second ward.

Orange street; thence with Orange street to Front street, and thence with the waters westwardly to the beginning. The second ward shall consist of that part of the town included within these boundaries: Beginning at the junction of Orange and Front streets and running with Orange street to Ann street, and thence with Ann street to Marsh street; thence south with Marsh street to

Third ward.

the water, and with the water to the beginning. The third ward shall consist of that part of the town within these boundaries: Beginning at the junction of Marsh and Front street and running north with Marsh to Ann street; thence east with Ann street to Live Oak street; thence with Live Oak street to Broad street, including

Fourth ward.

all that part of the town east of these boundaries. The fourth ward is that part of the town north of Ann and west of Turner

Fifth ward.

street. Fifth ward, all that part of the town not included within the former boundaries.

Place of election.

Sec. 7. That the election shall be held at the town hall, except in case of fire or other good cause, when the registrar and poll

Separate boxes.

holders may move to some other convenient place; that the vote shall be cast in separate boxes for each ward, properly and legibly

Hours for registration.

labeled; that the hours for registration shall be from eight o'clock in the morning to five o'clock in the evening of each day; that the polls shall be opened at seven o'clock in the morning and closed at sundown of the same day.

Repealing clause.

Sec. 8. That chapter 96, Laws 1899, and all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

When act to take effect.

Sec. 9. That this act shall go into effect at the next general election of the town of Beaufort, to be held on the first Tuesday in May, nineteen hundred and three.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 24.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STONEVILLE, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Stoneville, in the county of Rockingham, be and the same is hereby incorporated under the name of "The Town of Stoneville," and by that name shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to purchase, hold and convey real and personal property. It may also have a common seal. The said town shall be subject to all the provisions contained in chapter 62 of The Code of North Carolina, and in chapter 750 of the Public Laws of North Carolina, passed at the session of the General Assembly of 1901, not inconsistent with this act. Town incorporated. Corporate name and powers. Subject to general laws.

Sec. 2. The corporate limits of the said town shall be one mile square, and shall be determined by closing-in lines running one-half mile north, south, east and west from the P. M. Stone brick storehouse in said town. Corporate limits.

Sec. 3. Until the regular election on the Tuesday next after the first Monday in May, 1903, the government of the said town shall be vested in the following Commissioners: Jas. A. Glenn, F. A. Boaz, G. M. Irie, S. T. Hodgin and R. T. Stone, who, upon taking and subscribing the oath now prescribed by law for such officers, shall enter upon the discharge of their duties. They shall hold their offices until their successors are elected and qualified, and they shall have the power to appoint a constable and a secretary and a treasurer, who shall hold their respective offices until their successors are appointed and qualified. Temporary officers. Term of office. Constable, secretary and treasurer.

Sec. 4. That the officers of said town shall consist of a Mayor and five Commissioners. The election for said officers shall be held on the Tuesday next after the first Monday in May, 1903, and every year thereafter, under the rules and regulations of the existing law as provided in chapter 750 of the Public Laws enacted at the session of the General Assembly of 1901, except they shall have the power to appoint a constable, a secretary and a treasurer as herein otherwise provided. The Mayor when present shall preside at the meeting of the said Board of Commissioners, but shall not be entitled to vote, except in the case of a tie. In the absence of the Mayor the Board may appoint one of its members to act as Mayor *pro tempore*. Town officers. Election. Duty of mayor. Mayor pro tem.

Sec. 5. It shall not be lawful for the County Commissioners of Rockingham County to grant license to any person to sell spirituous, vinous or malt liquors within the corporate limits of said town, License to sell liquor.

without his having first presented a recommendation in writing from the Mayor and a majority of the Commissioners of said town, and any license otherwise granted shall be void. And all persons obtaining license to sell such liquors in said town shall pay to the town Treasurer not less than two hundred dollars ($200) nor more than five hundred dollars ($500) per annum.

License tax.

By-laws.

Sec. 6. The Board of Commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of this State.

Powers of commissioners:

To levy tax.

Sec. 7. The Board of Commissioners shall have the power to levy a poll tax not to exceed sixty (60) cents on every male person between the ages of twenty-one and fifty years; and to tax all subjects of State taxation, within the corporate limits, to an amount not to exceed one-half of the amount of the State tax; and shall have the power to abate all nuisances, and may impose such fines not contrary to the laws of North Carolina as may be necessary to abate them.

To abate nuisances.

Elections for mayor and commissioners.

Sec. 8. It shall be the duty of the Board of Commissioners of said town to provide for an election to be held on the Tuesday next after the first Monady in May, 1903, and annually thereafter, in the manner herein provided for Mayor and Commissioners, and the officers elected shall hold their offices until their successors are elected and qualified.

Term of office.

Qualification of voters.

Sec. 9. That all qualified electors for members of the General Assembly, who have been residents of the town for four months prior to any election in said town, shall be entitled to vote.

Substitute for former acts.

Sec. 10. That this act is a substitute for and shall take the place of chapter 163 of the Public Laws enacted by the General Assembly at the session of 1876-'77 and chapter 130 of the Private Laws enacted by the General Assembly at the session of 1899.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 25.

AN ACT TO INCORPORATE THE CHAPEL HILL TROLLEY COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Richard H. Wright, J. S. Manning and H. A. Foushee, and such other persons as are now or may hereafter be associated with them, their successors and assigns, be and they are

hereby created, constituted and incorporated a body politic and corporate under the name and style of Chapel Hill Trolley Company, and by that name shall be known in law; shall have the power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may have and use a common seal, and the same break, alter, renew or change at pleasure, and may make, ordain, establish and alter or amend such by-laws, ordinances and regulations concerning all matters of organization, management and business not herein specifically provided for as the said company may think proper, and generally may do every and any act and thing necessary to carry this act into effect, and to promote the object and design of the corporation: *Provided*, such by-laws, ordinances, regulations or acts be not inconsistent with the laws of the United States or of the State of North Carolina.

Corporate name.

Corporate powers.

By-laws.

Sec. 2. The said company shall be, and it is hereby empowered and authorized to promote, establish, conduct and maintain the business of a general street-railway, light and power company; to locate, buy, lease, construct, erect, establish, equip, maintain, operate, own or sell, or otherwise acquire and dispose of a line or lines of street-railway or railways and a plant or plants, work or other necessary equipment, for the generation of electricity, gas, or other materials or fluids, and supply the same for public or private use, for light, power and heat within the limits of the town of Chapel Hill and within the limits of the counties of Durham and Orange to the city of Durham, as the same are now or may be hereafter laid off, as may be determined from time to time by said company, and over the bridges across any river, creek or stream within either of said counties. The said company may locate, lay, erect, construct, equip, maintain and operate its line or lines of street-railway, and its poles, wires, subways, conduits, pipes, mains and other fixtures and appliances, necessary for the proper, full and convenient carrying on of the business of said company in, over and along the roads, avenues, lanes, alleys and other public highways in the said town of Chapel Hill and each of said counties of Orange and Durham to the city of Durham, permission being first had from the Board of Aldermen of the said town of Chapel Hill for work authorized to be done hereunder within the limits of the said town, and permission being first had from the Board of Commissioners of the counties of Durham and Orange for work to be done hereunder within the limits of the counties, and outside of the corporate limits of the town of Chapel Hill and the city of Durham: *Provided*, nothing herein shall be construed as an attempt to affect the rights of persons or corporations in the land over which the public roads pass, or of affecting

Business authorized.

Where business may be carried on.

May use streets, roads and highways.

Permission to be obtained.

Proviso.

Vested rights not affected.

any rights of action they may have for damages for appropriating their lands.

May carry passengers and freight for pay.

Sec. 3. The said company hereby incorporated may transport passengers and freight over the lines of its railway, and collect fares and tolls for same, and may operate its railway system by electricity

May make and sell electricity and gas.

or other available motive power; the said company may manufacture, generate, employ, distribute, furnish, buy and sell electricity, the electric current, gas, or other suitable and proper materials or fluids, for public and private use, for light, heat and power, or other purposes, for its own use and for distribution and sale for any and all said purposes, to all persons, firms and corporations upon such terms as may be agreed upon by the contracting parties, and

May deal in appliances and fixtures.

may purchase and sell appliances and fixtures in connection with and for the purpose of introducing its light, heat and power into general use.

Capital stock.

Sec. 4. The capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time to any sum not exceeding two hundred and fifty thousand dollars, as a majority of the stockholders may determine; said stock to be divided into

Common and preferred stock.

shares of the par value of one hunderd dollars each. Said capital stock may be divided into common and preferred in such proportion

Subscriptions to capital stock.

as the stockholders by unanimous vote may decide. Subscriptions to the capital stock may be received by the incorporators herein named, or any two of them, at such time and place as they may appoint, and with or without public notice, as they may deem best,

When corporation to organize.

and as soon as the minimum of the capital stock has been subscribed said subscribers may organize as a corporation and proceed

Directors.

to elect a board of directors, consisting of not less than three nor

Officers.

more than nine stockholders, and such officers as may be required by the by-laws of said company, and shall thereupon be deemed fully organized and have and exercise all the powers and functions of a

Proviso.

corporation under this charter and the laws of the State: *Provided*,

Work to begin within two years.

work shall commence upon the construction of said company's street-railway within two years after the passage of this act. All sub-

Terms of subscription.

scriptions to the capital stock of said company shall be upon such terms and conditions and under such regulations as the board of

How subscription paid.

directors may prescribe; and the directors may receive money or labor, material, bonds, stocks, services, real or personal property, leases, options, rights of way, and other rights or easements, or the capital stock of other corporations in payment of subscriptions to the capital stock of the company hereby incorporated, at their actual value in money, such valuation to be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner and amounts and at such times as the direct-

Liability of stockholders.

ors may determine. No stockholder of said company shall be held liable or made responsible for the debts or liabilities of said com-

pany in a sum beyond any balance due from such stockholder to said company on shares subscribed for by such stockholder.

May acquire franchise and property of other like companies.

Sec. 5. The company hereby incorporated may acquire by lease, purchase, subscription to, or purchase of the capital stock, or otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, of other like companies chartered under the laws of this or other States, and may own, buy, sell, lease, use, operate, maintain and extend the same, and power is hereby conferred upon other like companies chartered under the laws of this State or other States to transfer by sale or lease all their works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them. The said company hereby incorporated may purchase or otherwise acquire and hold the stock and bonds of any other company or corporation chartered under the laws of this or other States; and it may acquire and hold by purchase, lease, or in any other manner, the plant, works or other property of any company, firm or individual now engaged or which may hereafter engage in similar business in said town, city or counties, and may likewise acquire and hold, or afterwards sell, any other property necessary to the conduct of the business of the said company hereby incorporated, and may make payment for such railways, plants, works, franchises, rights, or other property in money, or by issuing its bonds, notes or stock therefor.

Power of consolidation.

May acquire stock, bonds, etc., of other corporations and individuals.

How payment made.

Other companies may purchase stock and bonds of this company.

Sec. 6. It shall be lawful for any corporation or company, and they are hereby empowered, to subscribe for, purchase, or otherwise acquire and hold, or guarantee the stock or bonds of the said company hereby incorporated, and the said company hereby incorporated may sell, lease or convey its property, privileges and franchises to any other such company incorporated under the laws of this State.

How land may be acquired.

Sec. 7. The said company hereby incorporated may take and acquire by purchase, lease, condemnation, or otherwise, and hold, or thereafter sell or otherwise dispose of, the lands required for the right of way for its railways, stations, yards, side-tracks, shops, power-houses, terminals and operating facilities, plants and works, but the mode of condemning any lands or rights shall be the same provided by the general laws of this State for the condemnation of lands by and for the use of railroad companies, as specified in chapter forty-nine (49) of The Code, and said company shall also have the right to acquire by purchase and hold other lands not exceeding ten acres in said town of Chapel Hill and in the city of Durham, nor more than five hundred acres in said counties of Durham and Orange, in or through which it may be operating or

Mode of condemning lands.

Power to hold land limited.

intending to operate, and it is hereby empowered and authorized to sell, lease, convey and encumber the same, as may be necessary or proper for the conduct of its work.

Principal office.

Sec. 8. The pricipal office of the said company shall be in the city of Durham, or such other place in the State of North Carolina as may be deemed convenient or necessary by the board of directors of said company for the conduct of its business.

May establish ice factory.

Sec. 9. And the said company, in addition to its other rights and privileges, shall have the right, and it is hereby authorized and empowered to promote, establish, construct, operate and maintain, buy, lease, operate, own or sell, or otherwise acquire and dispose of, a plant, works, machinery and other necessary fixtures and appliances for the manufacture of artificial ice, on any plan and by any process it may approve, the same to be located in any city, town or place in the said county of Orange which the said company may determine upon, and to that end it may buy, sell and deal in all materials necessary for the manufacture of artificial ice; may use and employ steam, water, or electric power; and may buy, sell or distribute ice upon such terms as may be agreed upon between the contracting parties.

Deal in materials.

Buy, sell and distribute ice.

May borrow money and issue bonds.

Sec. 10. It shall be lawful for said company, and it is hereby authorized and empowered, to borrow money, make, execute, issue and sell or negotiate its bonds from time to time for such sums and on such terms and for such price as its board of directors may deem expedient and proper for any of the purposes of said company, and may secure the payment of said bonds by mortgages, or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts, rights, franchises and privileges, including its right to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same. The said company shall have the right to lend, or otherwise invest, its accumulated funds or surplus; to purchase and own the stock or bonds of any other company or corporation, and to sell or otherwise dispose of the same at its pleasure.

May use and cross tracks of other companies.

Sec. 11. The said company hereby incorporated is authorized and empowered to use, on any portion of its line or lines of railway, the track of any other railway company with the consent of said other railway company; and may cross with its tracks, either at, above or below grade, the tracks of any railroad company. The said company is authorized and empowered to locate, construct, equip, operate and maintain any lateral or branch roads or tram-ways, not exceeding twenty miles in extent, and by such route or routes as may be selected by its board of directors; the said company may purchase or lease such lateral or branch road which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and may pay for the

Branch road.

same with money or by issue of its stock, notes or bonds. And said company may contract, lease or unite its road with or to that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies of like kind, operating or authorized to operate a connecting railway or railways, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or combination or any lease or sale. Lease. Consolidation and merger.

Sec. 12. Any person who shall deface, injure, destroy, remove or obstruct said railway, or any part thereof, or any of the cars, trains, coaches, or carriages thereof, or any of the fixtures, property or machinery thereof, or any of the works, poles, wires, pipes, fixtures, appliances, structures, machinery, or property of any kind of the hereby incorporated company, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court. Penalty for injuring property of company.

Sec. 13. That any person or persons who shall cast, throw, shoot, propel or project or in anywise put in motion any stone, rock, shot, pellet, or other missile of any kind or nature, at, against or into any car, carriage, coach or train upon said railway, whether the same be in motion or at rest, with intent to injure any such car, carriage, coach or train, or any person or persons therein or thereon, or any horse or other animal attached thereto or connected therewith, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court. Penalty for shooting or throwing at cars and trains.

Sec. 14. Any person who shall unlawfully injure or destroy, or having the right to prevent it shall permit to be injured or destroyed, any meter, pipe, conduit, wire, pole, lamp, or other apparatus belonging to the company hereby incorporated, or who shall unlawfully prevent an electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way interfering with its proper action or just registration, or who shall, without the consent of the said company, or who shall otherwise unlawfully use or cause to be used without the consent of the said company any electricity or gas manufactured or distributed by said company shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court. Penalty for injuring other apparatus.

Sec. 15. The motormen, conductors and other agents or servants of said company, while in the active service of said company or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of the railroad companies in this State, General powers of officers and servants.

Special powers of officers and servants.

and, in addition to the general powers conferred upon such agents and officers, they may eject and remove from any of the cars, carriages or coaches of said railway company, and the said officers and agents may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fares of the said drunken, disorderly and profane person has been paid or not; and the said company, its agents or officers shall not be liable civilly or criminally therefor unless they use greater force than is necessary to eject such person.

SEC. 16. All laws or clauses of law in conflict with this act are hereby repealed.

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 26.

AN ACT FOR THE RELIEF OF MISS MARINA CLARK.

The General Assembly of North Carolina do enact:

To be paid balance due for teaching school.

SECTION 1. That the Treasurer of Franklin County is hereby authorized and directed to pay Miss Marina Clark the sum of seventeen dollars out of the first unapportioned school funds that may come into the hands of said Treasurer, being the amount due her as balance for teaching school in District No. 1, Hayesville Township.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 27.

AN ACT TO INCORPORATE THE SAVINGS AND TRUST COMPANY OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That B. G. Moss, Frank H. Bryan, J. F. Randolph, W. C. Rodman, E. T. Stewart, John B. Sparrow, L. R. Mayo, J. W. Oden, S. F. Shull, C. M. Brown, F. G. Paul and J. F. Buckman, their associates, successors and assigns, are hereby constituted and declared a

Corporate name.

body politic and corporate, by the name and style of "The Savings and

Trust Company" of Washington, North Carolina, with its principal place of business in the town of Washington; and by that name may sue and be sued, plead and be impleaded in any court of the State, and have a continuous succession for the term of sixty years, with all the rights, powers and privileges of corporations and banks under the laws of the State. Principal office. Corporate powers.

Sec. 2. The capital stock of said corporation shall be twenty-five thousand dollars, to be divided into 250 shares of the par value of one hundred dollars each, and such stock may be increased from time to time as said corporation may elect, to a sum not exceeding one hundred and twenty-five thousand dollars. Capital stock.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the organization of said corporation, may at their discretion, from time to time, re-open books of subscription to said capital stock until the same as herein limited be wholly taken. Books of subscription. Books may be re-opened.

Sec. 4. Whenever ten thousand dollars shall be subscribed to the capital stock of said corporation, the above named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient, to organize said corporation; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year, and until their successors shall be chosen, and said directors shall elect a president to serve during their continuance in office. That the said company shall not commence business until fifty per cent. of the capital stock subscribed shall have been paid in; that the remainder of said subscription shall be paid in at the call of the directors, and shall be paid in within one year from the date of organization of said corporation; that the stockholders shall be individually liable, equally and ratably, and not one for another, to the depositors of said corporation, not exceeding double the amount of their subscription to the capital stock. When corporation to organize. Directors. Term of office. President, term of office. When to commence business. When remainder of subscription to be paid. Liability of stockholders.

Sec. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders; may do a general banking business, and exercise all powers, rights and privileges conferred by the public laws of this State on banks and corporations; and may loan money at such rates of interest as may be agreed upon, not greater than the legal rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; General powers of president and directors. General banking business. Interest not to exceed legal rate.

may loan money on mortgages, or real or personal property, or both, and may negotiate loans on mortgages on real or personal property, or both.

Power to deal in real and personal property.

Sec. 6. The said corporation may purchase, hold, improve, sell and deal in all such real and personal property as it may desire and such as may be conveyed to it to secure or satisfy any debt due it, and for any other purpose, and also the said corporation may hold any such property as may be sold under a foreclosure of any mortgage made to said corporation, or such as may be sold under an execution or order of any court to satisfy any debt due it, and may sell and convey or exchange the same at pleasure, and use the proceeds thereof as may be deemed best.

Deposits of minors and married women.

Sec. 7. That when any deposit shall be made by any person being a minor or *feme covert* the said corporation shall pay to such minor or *feme covert* such sums as may be due, and the receipts or acquittances of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability thereof.

How payment of subscriptions enforced.

Sec. 8. If any subscriber shall fail to pay for his stock or any part thereof, as the same is required of him, the entire residue of his subscription shall be deemed to be due and may be recovered in the name of the corporation, either by motion in any court of the county where the delinquent resides, upon giving him ten days' notice of the motion, or by ordinary civil action, or the entire stock of the delinquent may be sold by order of the directors, for cash, in the town of Washington, N. C., after advertising such sale for ten days in some newspaper published in said town, and if the proceeds of such sale shall not be sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action: *Provided*, no stockholder shall be individually liable for any of the debts of said corporation.

Proviso.

Liability of stockholders.

Assignment of stock.

Liability of assignee.

Sec. 9. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees shall be liable for its payment and may be sued jointly or severally by motion as aforesaid, or by action. In every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Subscription a promissory note.

May receive and pay out lawful currency.

Power of circulating currency of its own issue.

Sec. 10. That said corporation may receive and pay out all lawful currency, with full power of circulating currency of its own issue, under all the rights and privileges and under such restrictions as may be imposed by the laws of this State or the laws of the United States as to currency of State banks.

May act as trustee.

Sec. 11. That the said corporation be and is hereby authorized to accept and execute as fully as a natural person trusts of any

and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, bodies corporate or public, or by any court in the State of North Carolina, or in any one of the United States, and to accept the office and appointment of executors and administrators of any kind or nature, whenever such office or appointment is conferred or made by any person or persons or by any court, and that in all cases when application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minors or lunatics, it shall and may be lawful for such court to appoint said corporation, with its assent, such receiver, trustee, administrator, executor, assignee or guardian, and the accounts of said corporation in any such capacity shall be regularly settled before the court making such appointment, and upon such settlement and adjustment all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid, in accordance with the practice of the court so appointing in the case of natural persons so appointed, and the said corporation in any such capacity shall be subject to all lawful orders or decrees made by the said court.

Executors and administrators.

Receiver or guardian.

May be appointed by courts.

Accounts.

Charges and expenses.

Sec. 12. That the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver, jewels, plate, certificates of stock or evidences of debt, deeds or muniments of title or other valuable papers of any kind, or any other article whatsoever, which may be kept or deposited with said corporation for safe-keeping, and it shall be lawful for the courts of this State in to which money, stocks, bonds or other property may be paid by agreement of parties, order, decree or judgment of said court, to order and direct the same to be paid to or deposited with said corporation, and it shall be entitled to charge such commission or compensation therefor as may be agreed upon for the safe-keeping of said articles so deposited; said corporation may erect all such buildings and vaults and do such other things as may be useful, lawful or necessary.

May receive deposits for safe keeping.

Commissions and charges.

Buildings and vaults.

Sec. 13. That when any court shall appoint the said corporation a receiver, trustee, administrator, executor, assignee or guardian, or shall order the deposit of money or other valuables of any kind with said corporation, the capital stock, as paid in, shall be taken and considered as the security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security, and it shall be absolutely liable in case of any default whatsoever; the court, if it deem it necessary, may from time to time appoint suitable persons to investigate the affairs and management of said corporation, who shall report to such court the manner in which such investments are

Capital stock taken as security for company.

Proviso.
Power of court.

To order investigation.

made and the security afforded to those by or for whom its engagements are held, or the court may, if it deem necessary, examine the officers of said corporation under oath or affirmation as to the security aforesaid.

Fiduciary debts to have preference on dissolution.

Sec. 14. That in case of dissolution of said corporation, the debts due from the corporation as receiver, trustee, administrator, executor, assignee, guardian or committee, or depositary of money under order of court, shall have a preference in the distribution of the assets of said corporation.

Depositary for trust funds.

Sec. 15. That any executor, administrator, trustee or any public officer having the control of any bonds, stocks, security, moneys, or other valuables belonging to others, shall be and is hereby authorized to deposit the same for sefe-keeping with said corporation; that in all cases in which public officers, municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt such deposits by such officers or corporations may be made with said corporation.

Deposits in trust and as security.

Sec. 16. That the said corporation shall have power to receive and hold on deposit and in trust and as security, estates, real, personal and mixed, including money, notes, bonds and obligations of States, companies, corporations and individuals, and the same to purchase, collect and adjust, settle or sell and dispose of, and upon such terms as may be agreed upon between it and the parties contracting with it.

May do fidelity insurance.

Sec. 17. That the said corporation shall be and is hereby authorized and empowered to insure the fidelity of persons holding places of trust or responsibility, of any State, corporation, company, person or persons whatsoever, to endorse and become surety upon any bond for appeal from any order, judgment or decree of any court of record or justice of the peace, and it is further authorized to become sole surety in all cases when by law two or more sureties are required for the faithful performance of any trust or office, and it shall be lawful for any court to approve such corporation as sole surety in all such cases, and in every such case the capital stock shall be taken and considered as sufficient security therefor, but in all cases the affairs and effects of said corporation shall be subject to an examination if the court shall deem it necessary, and the said court may examine, under oath, the officers of said corporation, in relation to the affairs, property and effects of said corporation, and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid for whom it shall become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose.

Endorse appeal bonds.

Sole surety on approval by court.

Court may investigate company.

General powers of endorsement.

Sec. 18. That said corporation shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, rents,

accounts, claims, annuities, mortgages, choses in action, evidences of debt, certificates of property or value, checks and the title to property, real or personal, indebtedness of companies, partnerships, loans of States, cities, counties and municipalities on such terms or commissions as may be agreed upon or established by said corporation and the parties dealing therewith; to act as the fiscal or transfer agent of any State, municipality, body politic or corporate, or any person or persons, and in such capacity to receive and disburse money, and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness. May act as fiscal agent.

Sec. 19. That the said corporation may receive upon storage, deposit or otherwise merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts and all other personal properties whatsoever; take charge and custody of real and personal estates and securities and advance money thereupon on such terms as may be established or approved by said corporation. Deposits on storage. Custody of estates.

Sec. 20. That said corporation be and is hereby authorized and shall have discretionary powers to invest at its pleasure money received on deposit, loaned or otherwise: *Provided*, that said corporation, in the investment of funds held by it as trustee, administrator, executor or guardian, shall be subject to the laws of this State and the rules of court now existing, or hereafter passed, governing the investment of such funds by natural persons in such positions that it is authorized to take, have, hold and enjoy all such estate, real, personal or mixed, as may be obtained with the moneys aforesaid; and also with any, every and all other funds that may come into its possession in course of its business dealings, and the same may sell, grant, lease, mortgage and dispose of, in its discretion and at its will and pleasure, and execute, acknowledge and deliver all deeds and legal papers and any instruments concerning the same; to deal in exchange, foreign and domestic, and in every description of properties, personal effects, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans, bonds of the United States or of any city, county or State, or of any company or individual. Powers of investment. Proviso. Investments of trust funds. Powers to hold property.

Sec. 21. That said corporation shall have power and authority to provide rules and regulations for the government of itself, its officers, directors, stockholders, agents and employees not inconsistent herewith nor with the laws of the State: *Provided*, that at any meeting of the stockholders each share of stock shall be entitled to one vote. Rules and regulations. Proviso, votes of stockholders.

Sec. 22. That said corporation is authorized to organize a department for savings and do a savings bank business for the convenience of small depositors, and may make such rules in regard thereto as the stockholders may think proper; in which the said corporation may receive deposits in the savings department and give Savings bank.

books or certificates therefor, and pay such interest as its directors may authorize, not exceeding the legal rate, and also regulate the time of payment and notice of demand.

Interest not to exceed legal rate.

Branches. SEC. 23. The said corporation is hereby authorized to establish one or more branches at such places as it may see fit.

Repealing clause. SEC. 24. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 25. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 28.

AN ACT TO INCORPORATE THE NORTH CAROLINA MUTUAL AID AND HOME PROTECTIVE ASSOCIATION OF GASTONIA, N. C.

The General Assembly of North Carolina do enact:

Incorporators. SECTION 1. That George A. Gray, Benjamin T. Morris, S. Mack Morris and William H. Lewis, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the North Carolina Mutual Aid and Home Protective Association, and in that name and style shall have perpetual succession, be capable of suing and being sued, pleading and being impleaded, in any of the courts of this State, contracting and being contracted with, shall have and use a common seal, which may be broken or altered at the pleasure of the association, and shall enjoy all rights, privileges, immunities, liberties, powers and franchises incident or pertaining to like associations under the general laws of this State.

Corporate name.

Corporate powers.

Objects and purposes. SEC. 2. That the objects and purposes for which this corporation is formed are, to encourage economy, thrift and benevolence; to mutually furnish aid and assistance to its members and their families, and, in a measure, protect their homes by mutually insuring the lives of both men and women between the ages of fifteen and fifty-five, upon such terms and conditions and under such rules and regulations as may be fixed and determined by the by-laws of the association as made and published from its home office: *Provided*, that this association shall not commence business or be licensed until it shall obtain at least three hundred applications of three hundred *bona fide* applicants for insurance.

Mutual life insurance.

Proviso, when to commence business.

Directors and other officers. SEC. 3. That said corporation may make by-laws fixing the number of its board of directors and other officers and defining their

respective powers and duties. The corporation may also make rules and regulations for its government and for the conduct of its business: *Provided*, no by-laws, rules or regulations shall be made which shall in any manner conflict with the Constitution or laws of this State or the Constitution or laws of the United States. Further rules and regulations.

Sec. 4. That this corporation shall have the right and power, under such rules and regulations, in such manner and upon such conditions and terms as the board of directors may direct, to establish branches of this association in any one or more towns, cities, counties or districts in this State, and in any one or more towns, cities, counties or districts in any other State in the United States; and such branches, when established, shall be governed by and in accordance with such by-laws, rules and regulations as may be prescribed by and published from the home offices of this association: *Provided*, that no branch shall be organized with less than three hundred applicants or conducted with less than three hundred members. Branches. To be governed by home office. Proviso, limitation.

Sec. 5. That the home offices of this association shall be located in the town of Gastonia, in Gaston County, North Carolina; but branches may be established and located, as hereinbefore set forth, whenever in the opinion of the board of directors the successful operation and conduct of the business of the association may seem to require it. Home office. Branches.

Sec. 6. That said corporation shall have the power to acquire and hold, in fee-simple and otherwise, lands, tenements and hereditaments anywhere in this State, taking title thereto in the name of the association, and may dispose of same in the manner prescribed by law. It may also borrow money for the successful management and conduct of its business, and secure the same in the manner prescribed by its by-laws. To hold and dispose of property. May borrow money.

Sec. 7. No member of this association shall be individually liable for any of the debts or defaults of the association, except as clearly indicated and set forth in its by-laws, rules and regulations as published from the home office. Liability of members.

Sec. 8. That the funds collected by assessment from the members of this association, for the use of beneficiaries under its policies, shall be exempt from all executions and other processes issued for the collection of any debt or debts of its living or deceased members. Exemption of funds.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 29.

AN ACT FOR THE RELIEF OF I. H. CHAMBERS, A PUBLIC SCHOOL-TEACHER OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

To be paid balance due for teaching school.

Section 1. That the Treasurer of Clay County be and he is hereby authorized and empowered to pay I. H. Chambers twenty-one and sixty-five one-hundredths dollars ($21.65) out of the school funds now due or may hereafter be due District No. 1 in Tusquittee Township for the white race as a residue for services rendered as a teacher in said district during the school year of 1901.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 30.

AN ACT FOR THE RELIEF OF MARY ALISON, A SCHOOL-TEACHER IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

To be paid balance due for teaching school.

Section 1. That the Treasurer of Stanly County is hereby authorized, empowered and directed to pay to Mary Alison, a school-teacher of Stanly County, or to her order, the sum of sixty-two and fifty one-hundredths dollars ($62.50) out of the school funds now in his hands, or that may hereafter come into his hands, to the credit of District No. 10 for the colored race in Furr Township, said sum being due said Mary Alison for teaching a public school in said district in said township and county in the year 1900.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 31.

AN ACT FOR THE RELIEF OF MISS EFFIE FRAZIER, A PUBLIC SCHOOL-TEACHER OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Randolph County is hereby authorized and instructed to pay to Miss Effie Frazier, a white school-teacher of Randolph County, the sum of thirteen dollars and twenty cents ($13.20) out of the school funds now in his hands, or that may hereafter come into his hands, to the credit of District No. 2 in New Market Township, known as Cedar Square District. Said sum is due Miss Effie Frazier as a balance for teaching a public school in Randolph County in the year 1901. Treasurer to pay $13.20 out of school funds.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 32.

AN ACT FOR THE RELIEF OF G. F. GARNER, A WHITE SCHOOL-TEACHER OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Randolph County is hereby authorized and instructed to pay to G. F. Garner, a white school-teacher of Randolph County, the sum of ten dollars ($10) out of the school funds now in his hands, or that may hereafter come into his hands, to the credit of District No. 3 in Richland Township. Said sum is due to G. F. Garner as a balance for teaching a public school in Randolph County in the year 1902. Treasurer to pay G. F. Garner $10.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 33.

AN ACT FOR THE RELIEF OF WALTER GARDNER.

The General Assembly of North Carolina do enact:

Treasurer of Washington county to pay Walter Gardner $18.

SECTION 1. That the Treasurer of Washington County be and he is hereby authorized and directed to pay to Walter Gardner the sum of eighteen dollars ($18) out of any money in his hands, due or that may become due to School District No. 1 for the white race in Plymouth Township, Washington County, for services rendered as a public school-teacher in said School District No. 1 for the white race.

SEC. 2. That this act shall be in effect from its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 34.

AN ACT TO AMEND THE CHARTER OF THE ROUGH AND READY HOOK AND LADDER COMPANY.

The General Assembly of North Carolina do enact:

Chapter 69, Private Laws 1873, and chapter 42, Private Laws 1889 amended.

Exemption of members of New Bern fire companies from jury and militia duty. When operative.

SECTION 1. That chapter 69, Private Laws of 1873-'74, and chapter 42, Private Laws of 1889, amendatory thereto, be and the same is hereby amended by adding to the end of section one of the said chapter 42 of the said Laws of 1889 the following: That the exemption herein provided for shall not be available or effective unless the members of such company shall at all times continuously perform active fire service and duty under the directions of the Chief of the Fire Department of the city of New Bern, and shall produce from the proper authorities of the said fire department of said city a certificate showing said company and the members thereof claiming the benefits of said exemption have performed, or are performing at the date of said certificate, active service as a regular organization within said city.

SEC. 2. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 35.

AN ACT TO AMEND THE CHARTER OF THE "JAMES WALKER MEMORIAL HOSPITAL OF THE CITY OF WILMINGTON, N. C."

The General Assembly of North Carolina do enact:

Section 1. That chapter twelve (12) of the Private Laws of 1901 of North Carolina, entitled "An act to provide for the government of the James Walker Memorial Hospital of the city of Wilmington, N. C.," and acts amendatory thereof, be and the same are hereby amended by adding thereto the following: Chapter 12, Private Laws 1901 amended.

Sec. 2. For the purpose of instituting and conducting, in connection with the James Walker Memorial Hospital, a training school for nurses, the board of managers of the James Walker Memorial Hospital of the city of Wilmington, N. C., are hereby empowered and authorized to provide a system of lectures, training and teaching in the science and art of medicine, surgery and allied branches, under such rules and regulations as may be proper and expedient for the efficient education of trained nurses. Training school for nurses authorized.

Sec. 3. That the course of lectures, training and teaching of nurses shall be given by such physicians and others as the board of managers of the James Walker Memorial Hospital may select. Course of lectures, etc., provided for.

Sec. 4. Upon satisfactory proof of the efficiency of nurses and the completion of a thorough course of instruction, the board of managers of the James Walker Memorial Hospital of the city of Wilmington, N. C., shall award, to those who have attained the standard of merit prescribed, a diploma, certifying the completion of the course of instruction in the theory and practice of nursing. Authorized to issue diploma.

Sec. 5. The diploma shall be signed by a board of three examiners, including the medical superintendent of the hospital, who shall be appointed by the board of managers, and shall also be signed by the president of the board of managers and attested by the secretary thereof, sealed with the seal of the board of managers of the "James Walker Memorial Hospital of the city of Wilmington, N. C." Diploma to be signed, by whom.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 36.

AN ACT TO AMEND CHAPTER 360, PRIVATE LAWS OF 1901, INCORPORATING NORTH STATE MINING COMPANY.

Preamble.

Whereas, on the 6th day of August, 1901, a meeting was held in Harrisburg, Pennsylvania, of the North State Mining Company, all of the stockholders being represented, and the said corporation duly organized; and

Preamble.

Whereas, at said meeting it was unanimously resolved that the name of the said corporation be changed from "The North State Mining Company" to the "Iola Mining Company"; and

Preamble.

Whereas, the certificate of said meeting and amendment by inadvertence or miscarriage failed to reach the office of the Secretary of State, to be filed as required by law, and the same has not been recorded in the county as required by law; and

Preamble.

Whereas, a deed was thereafter executed to the said company in the name of the Iola Mining Company by J. C. Mosser, which deed is registered in book 40, page 327, in the Register of Deed's office of Montgomery County, North Carolina, conveying certain mining properties in the said deed described; and

Preamble.

Whereas, two hundred thousand shares of stock were issued in the name of the said Iola Mining Company; and

Preamble.

Whereas, it is desired that the irregularity in the proceedings to change the name of the said company be cured and the said name of the said Iola Mining Company shall be treated and deemed legally made as of the date of the said meeting, and that the stock issued in said name shall in all respects be valid, and that all irregularities in the said meetings of the said company, either within or without the State, be cured, and the same be treated and deemed in all respects regular; now, therefore,

The General Assembly of North Carolina do enact:

Change of name validated.

Section 1. That all irregularities in the proceedings to change the name of "The North State Mining Company" to the "Iola Mining Company" be and are hereby cured, and the said change of name shall be treated and shall be deemed in all respects regular and legally made as of the said meeting of the stockholders on the 6th day of August, 1901, and the issue of said stock as aforesaid in the name of the "Iola Mining Company" shall be treated and deemed in all respects regular and valid.

Issue of stock validated.

Title to property confirmed.

Sec. 2. That the legal as well as the equitable title to the property conveyed by J. C. Mosser as aforesaid shall be treated and deemed to be in the said "Iola Mining Company" as of the date of the said deed, and said deed shall be of the same effect as if the certification and recording of the meeting and amendment afore-

said had been regularly had and made. That all irregularities of the meeting heretofore had of said company as to time or place, either within or without the State, be and are hereby cured, and the proceedings at the same shall be treated and deemed regular and valid in all respects. Irregularities in meeting cured.

Sec. 3. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 37.

AN ACT TO EXTEND FERRY RIGHTS IN ANSON COUNTY, CHAPTER 89, PRIVATE LAWS 1854-'55.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of the Private Acts of 1854-1855, chapter 89, are hereby extended for the period of thirty years from and after the ratification of this act, and all rights and easements therein granted and conferred are hereby extended to and vested in the heirs or their lawful assigns of the original grantee in said act named. Provisions of act extended. Rights and easements extended.

Sec. 2. And all powers and rights and all rights conferred in said act to secure tolls at said ferry are hereby continued in force in the heirs of the said grantee in said act named or their lawful assigns for the said period aforesaid as fully as the same was conferred upon the original grantee in the act aforementioned. Rights to secure tolls extended.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 38.

AN ACT TO INCORPORATE THE "BANK OF WHITEVILLE," AT WHITEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That R. L. Steel, W. F. L. Steel, Leak S. Covington, J. A. Brown, E. S. Lewis, J. G. Butler, R. H. Powell, J. B. Schulken, J. D. Maultsby and others, their present and future associates, successors and assigns, are hereby declared to be a body politic and Incorporators.

Corporate name. Duration. Corporate powers.

corporate by the name and style of "Bank of Whiteville," situated at Whiteville, North Carolina, and shall so continue for the period of sixty years, with the capacity to take, hold and convey real and personal estate, to sue and be sued, and with all the powers, rights and privileges granted to any bank or banking institution, or belonging to corporations of a like character, set forth and referred to in the first, second and third sections, or other sections contained in chapter sixteen, Volume I of The Code, entitled "Corporations," or chapter four, Volume II of The Code, entitled "Banks."

Capital stock.

Sec. 2. The capital stock of the said bank shall be ten thousand dollars, and may be issued in shares of fifty dollars each, and such parts of a share as may be necessary and the corporators or directors may elect. The stockholders of said corporation shall have power, by a vote of a majority of the stock, each share having one vote, to increase its capital stock from time to time to a sum not

Location.

exceeding one hundred thousand dollars. The office and place of business of the said bank corporation shall be Whiteville, North

Officers and directors.

Carolina, and its officers shall consist of a president, vice-president, cashier, and a board of not less than five nor more than nine directors, exclusive of the president and vice-president, who shall be *ex officio* members of the said board. The said directors may, if

Other officers.

they see proper, elect a teller, who, together with the cashier and

Bonds of officers.

president, shall be required to give bonds with approved security

Meetings of stockholders.

for the faithful performance of their respective duties. The stockholders shall meet annually and at such other times as the directors may designate, and shall elect the board of directors. The

Directors to elect officers.

board of directors shall have power to elect the president, vice-president and such other officers as they deem fit.

Books of subscription.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to capital stock of said bank at such time and place and for such a

Former subscriptions valid.

period of time as they shall determine. The subscription to the capital stock of said bank heretofore made, in contemplation of the passage of this act, shall be valid and binding in law, and collected by suit or otherwise, in the manner provided by law and herein prescribed.

When company to organize.

Sec. 4. Whenever five thousand dollars are paid up, the said corporators, or a majority of them, may call a meeting of the stockholders in the town of Whiteville, and the stockholders shall pro-

By-laws.

ceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of this State), and may

Directors, term.

elect such number of directors as may be necessary, to serve for one year, or until their successors shall be chosen, or for such term as they may prescribe.

Directors to appoint officers.

Sec. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said cor-

poration, to serve at the discretion of the directors; the directors shall prescribe their duties, and shall take from them bonds, with security, for the faithful discharge of their duties, and shall fix their compensation.

To serve at discretion.
Directors to prescribe duties and take bonds.

Sec. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business, and exercise all the rights, powers and privileges conferred by the Public Laws of this State on banks and corporations of a like character, especially those set forth in chapter four, Volume II of The Code; may lend money at such rates of interest as may be agreed upon and take such interest in advance; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgage of real and personal property; may buy, build or lease a banking house, and sell or exchange the same at pleasure; may negotiate loans on real or personal estate, or both, and they shall direct when dividends or profits shall be made and declared: *Provided,* said bank shall not charge a greater rate of interest than is allowed by law.

Further general banking powers.
Interest, may be taken in advance.
Proviso, interest not to exceed legal rate.

Sec. 7. That if any subscriber shall fail to pay for his stock hereafter or heretofore subscribed, or any part thereof, as the same may be required of him, the same or any part thereof remaining unpaid may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash, at the banking house of said corporation, after three months' notice of such sale in writing to the said delinquent, and after two weeks' advertisement, published in some newspaper in said town, and the proceeds of such sales may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action, as hereinbefore provided.

How subscriptions for stock collected.

Sec. 8. That said corporation shall have power to own, maintain or lease warehouses, and carry on the business of warehousemen and forwarders, in case the said corporation by stock vote shall so determine; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances in money or merchandise or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money, and to take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage, and all labors and expenses incident thereto. All advances made by said corporation on property received for storage or deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and

Company may do warehouse business.
Liens for advances and charges.

paid before said corporation can be required to deliver said property.

Deposits of married women, minors and apprentices.

Sec. 9. That when married women, minors or apprentices deposit money or anything of value in said bank, or its branches, either generally or specifically to their own credit, they or any of them may draw the same on their check or order, and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and the same shall be a valid release to said corporation against such married woman, minor or apprentice, and all other persons whatsoever.

May act as agent or trustee.

Sec. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, township, town, municipality, corporation, company or individual, any land, certificate of stock, notes of any description of property, real or personal, or for endorsing or guaranteeing the payment of said bond, certificates of stock, notes, etc.; and generally for managing such business and for doing any of the matters and things authorized by this charter, the said corporation may charge such premium, commissions or rate of compensation as may be agreed upon.

May organize savings department.

Sec. 11. The bank is authorized to organize, in connection with its general banking business, a department for savings, and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto, in case the stockholders of the said bank shall so vote; in which case the said bank may receive deposits in the savings department and give certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also regulate the time of payment and notice of demand.

Interest not to exceed legal rate.

Liability of stockholders.

Sec. 12. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said bank to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Location of Bank.

Branches or agencies.

Sec. 13. That the said bank shall be located at Whiteville, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the sum of fifty dollars shall be paid to the State Treasurer.

Proviso, fifty dollars to be paid State Treasurer.

Votes of stockholders.

Sec. 14. That each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote for each share of stock of the par value of fifty dollars owned by him or her.

Transfer of stock.

Sec. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the corporation, as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Lien on stock for debt to corporation.

May accept and execute trusts.

Sec. 16. That said corporation shall have power to receive money in trust, and to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this State, and then to execute the same on such terms as may be established or agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. In case its stockholders shall so elect, it shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and collect reasonable compensation for the same, which charge shall be a lien on such deposit until paid, and generally to do and carry on the business of a safe deposit and trust company.

May act as trustee or assignee.

May receive deposits for safe keeping.

Lien on deposits for charges.

Corporation to be organized within two years.

Sec. 17. The powers and privileges granted herein shall be deemed forfeited unless the said corporation is organized within two years from the ratification of this act.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 39.

AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE MOUNT OLIVE GRADED SCHOOL DISTRICT, MOUNT OLIVE, N. C., TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Acts 1901, chapter 243.

Section 1. That whereas the committee of the public schools in Mount Olive Graded School District of Wayne County, North Caro-

lina, was, by the General Assembly of 1901, chapter 243, made and declared a body corporate under the style and corporate name of "Mount Olive Graded School District," Mount Olive, North Carolina; and whereas, to enable said corporation to accomplish those purposes and ends for which it was designed and created, it has become necessary and imperative that a suitable and proper school building or buildings be erected and equipped in the town of Mount Olive, N. C., within the said graded school district: Now, therefore, for the purpose of raising money to build, erect, construct and equip a suitable and proper building for the "Mount Olive Graded School District" in said county of Wayne, the school committee of said school district, corporation as aforesaid, is hereby authorized and empowered to issue bonds, in the name of the "Mount Olive Graded School District," to an amount not exceeding ten thousand dollars ($10,000), payable at the Bank of Mount Olive, N. C. Said bonds shall bear not exceeding five (5) per cent. interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run, and said coupons after their maturity shall be receivable in payment of school taxes in said school district, and if the holder of said bonds or coupons shall fail to present the same for payment at the time and place herein named he shall not be entitled to more than ten days' interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations of five hundred dollars each, and shall mature and be payable within twenty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by the secretary, and said secretary shall keep a record of the number and amount of each bond issued and date of issue, when same matures, and to whom payable.

Preamble.

Empowered to issue bonds.

$10,000 at five per cent.

Denomination of $500.

How signed and issued.

Not to be sold for less than par value.

Sec. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any purpose other than the purpose mentioned in section one of this act.

Payment of bonds.

County commissioners to levy tax.

Taxes, how collected.

Sec. 3. That for the purpose of providing for the payment of the annual interest on said bonds as they mature the County Commissioners of Wayne County shall annually, at the time of levying taxes for State and county purposes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subject to taxation under the law for State and county purposes, or which hereafter by law may become so, sufficient to meet the annually accruing interest on said bonds. The taxes provided for in this section shall be collected by the Sheriff or Tax Collector for Wayne County, North Carolina, in the same manner and at the same time as the State and County taxes are collected, and shall be accounted for and kept separate and apart

from all other taxes collected by him, and paid over to the treasurer of said graded school district, exclusively to the purpose for which they are collected; and it is further provided, that after the expiration of ten years from this issuance of said bonds, or any part of them, an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid and collected each and every year sufficient in amount to redeem, retire and take up each and every year such an amount of interest and principal as the said committee may determine.

Paid over to treasurer of school.

After ten years additional tax may be levied.

Sec. 4. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified registered voters of said graded school district, at an election to be held in the town of Mount Olive, N. C., in said school district, on a day to be designated and fixed by said graded school committee at any time from and after the passage of this act, and after the expiration of public notice for thirty days preceding said election, giving time and place where the said election will be held and registration books opened; which said notice shall contain a synopsis of the object and purpose of this act, and shall be published once a week for four consecutive weeks, immediately preceding said election, in any newspaper published in the town of Mount Olive, or county of Wayne, and it shall be the duty of the County Commissioners of Wayne County, at any of their regular meetings after the passage of this act, and at the request of said graded school committee, to appoint four good and lawful men, residents of said school district, as judges of said election, all or any two of whom may act; also to appoint a registrar for said election, who shall on the 30th day preceding said election open at some convenient place in the town of Mount Olive, N. C., the registration books, upon which shall be recorded the names of all who present themselves for registration between the hours of sunrise and sunset, if they be *bona fide* residents and qualified voters of said graded school district, and entitled to register and vote for State and county officers in any general election that might be held for that purpose in Wayne County at the time of the election herein provided for. The aforesaid judges appointed and named as aforesaid shall meet in the town of Mount Olive, North Carolina, at sunrise on the day designated for said election, and after being duly sworn by an officer of the law authorized and empowered by law to administer oaths, to the effect that they will honestly, faithfully, conscientiously and impartially discharge their duties as judges of said election, proceed to open the polls, that all who are entitled to vote at said election and desire to do so may vote. Their voting shall be done by ballot, written or printed on a white piece of paper, which the voter shall deposit in a box prepared by said judges for that purpose. Those voters approving the provisions of this act shall vote

Bonds not to issue until approved by majority of votes at an election.

Notice of election.

How and when made.

Duties of county commissioners.

Judges at election.

Registration.

Judges, their duties on election day.

Oath required.

Voting.

Ballots.

"For Bonds," and those not approving, "Against Bonds." When the polls are closed at sunset the aforesaid judges shall proceed to count the ballots and declare the result of said election, which they

Result to be certified.

shall certify to the County Commissioners of Wayne County over their signatures at the next regular meeting of said Commissioners after said election, which said Commissioners shall cause to be entered upon their minutes as a record thereof. If the result of

Bonds to issue.

said election is in favor of the issuance of said bonds, then the same may be issued in accordance with the provisions of this act, otherwise not.

Repealing conflicting laws.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 40.

AN ACT FOR THE RELIEF OF MISS DONNA OSBORNE, PUBLIC SCHOOL-TEACHER OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Treasurer of Ashe and Alleghany to pay Miss Osborne.

Section 1. That the treasurers of the school fund of the counties of Alleghany and Ashe pay to Miss Donna Osborne, public school-teacher in Scottville District (embracing portions of territory in each county aforesaid) the sum of one hundred dollars.

In what proportion.

Sec. 2. That the County Treasurer of Alleghany pay one-half of said sum, and the County Treasurer of Ashe County the other half, and the receipt of said public school-teacher shall constitute a valid voucher for the treasurers aforesaid.

To be paid from school fund of Scottville District.

Sec. 3. That said sum be paid out of any funds in the hands of the treasurers aforesaid belonging to the school funds of the district in which the Scottville District is situated and where said teacher taught in the years 1902 and 1903.

Boards of education to enforce this act.

Sec. 4. That it shall be the duty of the Board of Education of each of the counties aforesaid to see that the provisions of this act are enforced.

Sec. 5. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

Chapter 41.

AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1899, BEING AN ACT TO ESTABLISH A WATER AND LIGHT COMMISSION FOR THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. That chapter 82, Private Laws of 1899, be and the same is hereby amended as follows: At the end of section 55 of said chapter add the following: That for the purposes of better ordering the sanitary condition of said city said Aldermen may require the citizens living along the lines of the sewers of said city to connect their drains, premises or other pipes with said sewerage, and in all cases, when required so to do by said Board of Aldermen, the citizens living along the lines of said sewers, or owning property along said lines, or in the vicinity thereof, shall neglect or refuse to connect their said premises, drains or other pipes with said sewerage, then and in that event it shall be lawful for said Aldermen, after notice to said owners or their agents, which notice, in case of non-residence, may be given in a local newspaper published in the city, for five days, may cause said premises to be properly arranged for health purposes and properly connected with the city sewerage pipes, and shall be so arranged and connected with the least possible expense to the owner consistent with all sanitary and health precautions, and the expenses of said sanitary arrangements and proper connections shall be paid by the owner of the property so and connected, and said expenses shall be a lien upon said property, premises and lots, and if not paid on demand such lot and premises, or so much thereof as is necessary, may be sold by the Tax Collector of the city of New Bern to pay said expenses and costs, under the same rules and regulations and restrictions as are required by law for the sale of said lands for unpaid taxes as now provided by said charter and revenue laws of the State now existing or which may be hereafter enacted. And the actual costs and expenses of said arrangement and connections is hereby constituted a lien upon said property to the extent of such costs and expenses: *Provided*, that in order to make said sanitary protection equitable said Aldermen are hereby authorized and empowered to lay out in said city sanitary districts, and to provide in said districts for the operation of this act: And *Provided further*, that as soon as all persons and property owners living or owning property within said district have complied with the requirements of this section, and have caused their premises and property to be properly connected and arranged and have paid the costs and expenses thereof, or whenever the Aldermen have completed the said connections and arrange-

Chapter 82, Private Laws 1899 amended.

Section 55.

Aldermanic authority in regard to sanitation.

Sewers and drainage.

Notice to non-residents.

Expense incurred.

How defrayed.

Lots to be sold by tax collector.

Manner of sale

Costs and expense a lien.

Proviso.

Sanitary districts.

Proviso.

ments of the property or premises in any district, then from and after the date of such completion and payment of costs and expenses, all sewer service to all of said property and premises in said district shall be free of charge to all persons and property owners living or doing business in said completed district or districts, as aforesaid: And *Provided further*, that at any time from and after the operation of this act citizens constituting one-half of the property owners of any block or square in said city may petition to said Aldermen to be placed in a sanitary district, and upon such petition said Board of Aldermen shall provide and the provisions of this section shall take effect: And *Provided further*, that any property owners of said city may so apply to said board for connections and arrangements, and said board shall furnish the same and the labor therefor at the least possible cost to the owner. And after such sewer connections shall have been made the Board of Aldermen shall have the power to require all residents of said city who may use such drain pipes and sewers so connected with said sewerage system to subscribe for, take and use the water furnished by said city for the purpose of flushing and keeping in good sanitary order their premises.

Sewer service to be free.

Proviso.

One-half citizens of district may petition.

Proviso.

Labor and material to be furnished at smallest costs.

May require the use of city water.

Water commission established.

Sec. 2. That for the proper management of the water, sewer and electric light systems of the city of New Bern, a commission to be known as the Water and Light Commission is hereby established. That said commission shall consist of three members, who shall hold their terms of office for four years, except that the first appointees shall hold their offices as follows: J. C. Scales is hereby appointed a commissioner until the second Tuesday in May, 1903; William Dunn is hereby appointed a commissioner until the second Tuesday in May, 1905; C. T. Watson is hereby appointed a commissioner until the second Tuesday in May, 1907. And in case of any vacancy occurring otherwise than by the expiration of the term, the Board of Aldermen shall elect a member to fill out the unexpired term. At the expiration of the terms of the said commissioners there shall be elected in the same manner that the Mayor of the said city of New Bern is now elected, a commissioner or commissioners to succeed the commissioners herein appointed, for a term of four years from and after the date of said election. That said commissioners shall be appointed from outside of the said Board of Aldermen, and shall be residents of said city. At such election for said commissioners the Mayor of said city shall be allowed to vote only in case of a tie and for the purpose of breaking the tie. That no Alderman of said city shall be allowed to hold office as such commissioner except such Aldermen as are now appointed under this act, who, upon accepting their positions as commissioners, shall resign from the Board of Aldermen of which they are now members.

Three members.

Personnel and term of office.

Vacancies.

Qualifications.

Mayor allowed to vote in case of tie.

Aldermen not to be members of commission.

Sec. 3. Said commission shall organize by electing one of its members chairman and one of its members secretary, whose terms of office shall be for one year. The compensation of said commissioners shall be two hundred dollars ($200) per annum each, to be paid monthly by the Treasurer of said city, and the said commissioner who shall be elected secretary aforesaid shall receive in addition thereto the sum of one hundred dollars ($100) per annum, to be paid monthly as aforesaid. Commission, how to organize. Compensation. Secretary of commission.

Sec. 4. That said commission shall have entire supervision and control of the maintenance, extension, improvement and management of the said systems, and shall fix such uniform rates for water, sewerage and lights as they think best: *Provided*, that any person may appeal from its decision as to rates to the Board of Aldermen. Powers and duties of commission. Proviso.

Sec. 5. That said commission shall faithfully see that the said systems of water, sewerage and electric lights are orderly and properly conducted, and shall superintend and provide for the operation and management of all of said systems, and shall promptly furnish on request proper connections and service to all citizens and inhabitants who apply for the same, and shall in all respects provide for proper service of said system to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control and manage said system for the best interest of the city and citizens thereof. That they shall provide for the prompt collection of all rentals for service to consumers and shall promptly and faithfully cause said rentals to be collected and received under such rules and regulations as said commission shall from time to time require, and in accordance with the ordinances of the said city in such cases made and provided. Duties of commission. How to serve citizens and consumers. Collection of rates.

Sec. 6. That all funds now under control by said city of New Bern arising from the sale of bonds which were authorized to be sold for the purpose of purchasing and erecting water, sewer and electric light systems, and all money arising from the rentals from the said sewer, water and light systems shall be paid to the Treasurer of said city, and the Treasurer shall keep a separate account of the same and make a monthly report of the same to the Mayor and Board of Aldermen. That the said funds shall be paid out only on the order of said commission. That said commission shall at the end of each quarter make a report to the said Mayor and Board of Aldermen of its receipts and disbursements, and said commission shall pay all costs and expenses of extending, improving, maintaining and operating the said systems, and shall out of said funds and receipts pay all interest that shall become due on the bonds of said city which were issued and sold to raise money to purchase, extend, improve and keep in repair said water-works, sewerage and electric Water bonds, funds and rentals now on hand to be kept separate. Treasurer to make report monthly. Commission to report quarterly Expenses, how paid.

Funds, how invested.

Sinking fund.

Proviso.

$4,000 for betterments.

light systems. The balance of the funds that may be received by the said commission shall be invested in North Carolina bonds, to be held as a sinking fund to pay off said bonds issued by said city as they become due, with full power to said commission to purchase with any part of said sinking fund any of such bonds which it may be able to purchase at any time before their maturity, at a price not to exceed the face value thereof: *Provided*, said commission shall retain under their order and control in the hands of the Treasurer a sum not to exceed four thousand dollars ($4,000) for the betterment and extension of said systems.

Commission to elect officers and employees.

Collector to give bond.

Proviso, tenure.

Power to discharge.

Sec. 7. That said commission shall elect all officers, agents and employees necessary to the conduct of said systems and fix their remuneration. That the collector shall be required to give bond, to be approved by the commission, in the sum of two thousand dollars ($2,000), and shall not be allowed to retain any sum of money collected by him for a longer term than one week: *Provided*, that no such officer, agent or employee shall be elected for a term to exceed twelve months at any one time. And that said commission shall have full power at any time to discharge, remove such officer, agent or employee.

When effective.

Terms of office to commence.

Sec. 8. That this act shall take effect from and after the date of its ratification, and the terms of office herein provided for shall begin and take effect from and after the ratification of this act.

Repealing clause.

Sec. 9. That all laws and clauses of laws inconsistent with or in conflict with any of the provisions of this act are hereby repealed.

In the General Assembly read three times and ratified this 7th day of February, A. D. 1903.

Chapter 42.

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, HAYWOOD COUNTY, TO ISSUE BONDS FOR THE IMPROVEMENT OF THE WATER-WORKS AND ELECTRIC LIGHT SYSTEM, FOR THE PAYMENT OF CERTAIN INDEBTEDNESS AND FOR THE LIQUIDATION OF STREET BONDS FALLING DUE IN NINETEEN HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

Bonds authorized:

Section 1. That the Mayor and Board of Aldermen of the town of Waynesville, Haywood County, North Carolina, are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifteen hundred dollars for the improvement and to pay

indebtedness of the electric light system; for the improvement and to pay indebtedness of the water-works not exceeding three thousand dollars; for the improvement and to pay indebtedness of the graded school building not exeeeding two thousand dollars; for the liquidation of "old street improvement bonds" to be due in the year nineteen hundred and seven (1907), four thousand and five hundred dollars. The said bonds shall be issued in the name of the town of Waynesville in such denominations and form as the said Mayor and Board of Aldermen may determine, and shall bear interest at a rate not exceeding five per cent. per annum from the date of their issue, payable semi-annually on the first day of January and the first day of July in each year. And the said bonds shall be due and payable in thirty years from their date at such place as said Mayor and Board of Aldermen may determine. That the said bonds shall be signed by the Mayor of said town and attested by the Town Clerk and issued under the corporate seal of said town; and the interest upon said bonds shall be evideneed by interest coupons thereto attached in the usual form, and said bonds when issued and the interest accumulating thereon, shall be fully binding upon said city and its property, and shall show upon their face that they were issued for the respective purposes herein provided. And the coupons shall be received in payment of municipal taxes levied by said town.

For electric light system.
For water-works.
For graded school.
For liquidation of old bonds.
How issued, denomination and form.
Interest.
When payable.
How bonds and coupons authenticated.
To show for what purpose issued.
Coupons receivable for taxes.

Sec. 2. That the Mayor and Board of Aldermen of said town shall sell and dispose of said bonds at such times and in such amounts as they may deem for the best interest of said town, at a price not less than the par value thereof, by public or private sale, after giving not less than ten days' notice of such sale and the amount of said bonds to be sold. It shall be the duty of the Town Clerk of said town to make and keep a record of the bonds sold, the number sold and the name of the purchaser and the price received.

How bonds sold.
Not below par.
Record.

Sec. 3. In order to pay the interest on said bonds the Mayor and Board of Aldermen of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax on all the polls and on all the real and personal property which shall be returned or listed for general taxation in said town, observing the constitutional equation between the tax on the property and the tax on the polls. And the said taxes shall be collected in like manner as the other taxes of said town and paid into the hands of the Treasurer thereof for the purposes aforesaid. And it shall be the duty of the said Mayor and Board of Aldermen to require the Tax Collector and Treasurer of said town to make and file justified bonds sufficient to cover all taxes which come into their hands.

Special tax.
Equation to be observed.
Collect as other taxes.
Bonds of tax collector and town treasurer.

Sec. 4. That the taxes levied and collected under the provisions of this act shall be kept separate and distinct from all other taxes,

Taxes to be kept separate.

and shall be used only for the purposes herein provided; and if any Mayor or Alderman shall appropriate by vote or otherwise to any purpose, either directly or indirectly, other than that for which they were levied, any of said special taxes or parts thereof, [they] shall be guilty of a misdemeanor: *Provided*, that if the said taxes levied and collected for the payment of interest shall in any year exceed the amount of interest accruing that year, such excess shall be applied to the interest fund of the succeeding year, and the said Mayor and Board of Aldermen at the time of levying the taxes for the next succeeding year shall take into consideration the said excess and levy the tax for the payment of the interest on the said bonds accordingly.

Proviso, excess of one year applicable to interest of succeeding year.

Sinking fund.

Sec. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the Mayor and Board of Aldermen, at the expiration of twenty years from date of said bonds, to annually levy and collect a special tax in addition to that levied for the payment of interest on the said bonds, and shall equal in amount one-tenth of the amount of bonds issued under this act, after deducting from year to year the amount of interest derived from the investment of the sinking fund, as hereinafter provided in section six of this act.

How sinking fund invested.

Sec. 6. That it shall be the duty of the Mayor and Board of Aldermen to annually invest any and all moneys arising from the special tax collected under section five of this act in the purchase of any of the said bonds at a price deemed advantageous to said town by said Mayor and Board of Aldermen. But if the said bonds cannot be purchased at a reasonable price, then the said Mayor and Board of Aldermen may lend said sinking fund, or any part thereof, in such sums as they may deem wise for such length of time not exceeding beyond six months prior to the time the said bonds shall mature, taking as security for the payment thereof and for the payment of interest thereon mortgages or deeds of trust in the name of the Mayor of said town on sufficient real estate, or bonds issued under this act may be taken as collateral security for said loans. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Board of Aldermen of the town of Waynesville, and shall bear interest at a rate not less than six per centum per annum and payable annually; and in case the Board of Aldermen of said town shall not be able to lend any or all of said money as above directed, annually, they may and it shall be their duty to cause any money which they may not be able to invest to be deposited in some bank which is solvent at the best obtainable legal rate of interest, and any and all interest arising from the investment above directed shall be re-invested in the manner as above prescribed. But any Mayor or Alderman who

How securities of sinking fund executed.

Deposit of sinking fund.

shall be personally interested, directly or indirectly, in such loan shall be guilty of a misdemeanor. Officers not to be interested in loans.

Sec. 7. That the said Mayor and Board of Aldermen shall not issue said bonds or any part thereof until they shall have first caused to be held in said town an election in which there shall have been submitted to the qualified voters of said town the question of the ratification of this act for the issuing of the bonds herein provided for or not issuing them, of levying the taxes provided for or not levying said taxes, which they are authorized to do at such time as they may deem best within one year after the ratification of this act, except as to the bonds to liquidate the "old street improvement" bonds, and as to whether these bonds shall be issued an election may be ordered at any time before May the first, nineteen hundred and six (1906). The said election shall be advertised for fifteen days at least in the *Waynesville Courier*, or other paper published in said town, by posters at the court-house door and three other public places in said town next preceding the day of election. And the said election shall be held in the same manner and under the rules, regulations and laws as are or may be provided for the election of officers of said town. Those who are in favor of ratifying this act issuing said bonds, levying and collecting said taxes provided by this act, shall vote a printed or written ticket or ballot with the words "For Ratification, Bonds and Taxes" thereon, and those who are opposed to the ratification of this act, issuing of said bonds and the levying of said taxes, shall vote a printed or written ballot with the words "Rejection, Against Bonds and Taxes" thereon. The result of said election shall be ascertained by the officers thereof under the rules and regulations provided by law for holding elections in said town, and the same shall be certified and returned by them to the Mayor and Board of Aldermen of said town within two days from the day of election, who shall officially determine what such finding is and cause the same to be recorded on their minutes and records of said town. And if a majority of the qualified voters of said town vote "For Ratification, Bonds and Taxes," then the Mayor and Board of Aldermen of said town shall issue said bonds. Election to be held. Date. Election to be advertised. How election held. Ballots. How result ascertained and certified.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 43.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HAYWOOD COUNTY TO LEVY A SPECIAL TAX TO BUILD BRIDGES.

The General Assembly of North Carolina do enact:

Commissioners authorized to levy special tax $5,000 to build iron bridge across Pigeon river and Richland creek.

Section 1. That the Board of Commissioners of Haywood County are hereby authorized and empowered and it is made their duty to levy a special tax not to exceed five thousand dollars, upon the property and polls of the citizens of said county for the purpose of building an iron bridge across Pigeon River, at or near the mouth of Pines Creek, and also an iron bridge across Richland Creek, near the depot in the town of Waynesville. The said Commissioners are directed to observe the constitutional equation between the property and the polls in making said levy.

Rate, how obtained.

Location of bridges.

Sec. 2. The Commissioners shall determine the location or at what points the said bridges shall be built.

Taxes, how levied and collected.

Sec. 3. The said taxes shall be levied and collected in like manner as other taxes, except one-half of said taxes shall be levied and collected in the year 1903 and the other half of said taxes shall be levied and collected in the year 1904.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 44.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF JACKSONVILLE, ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 31, chapter 280, Laws 1891 stricken out.

What inserted.

Town commissioners to have same authority as county commissioners.

Proviso, rate of taxation.

Section 1. That section 31 of chapter 280 of the Laws of 1891 be stricken out and the following inserted in lieu thereof: That the Town Commissioners shall have the same powers over the levying, collecting and settling the taxes of said town as the Commissioners of the county have over the taxes of the county: *Provided, however*, that the taxes levied by said Town Commissioners shall not exceed 33 1-3 cents on each $100 valuation of real and personal property and $1 on each taxable poll.

Meeting of town commissioners, when held.

Sec. 2. That the Board of Town Commissioners of said town shall at some meeting held not later than the first Monday of June, 1903, and every year thereafter, appoint three discreet freeholders, residents of said town, who shall list and assess the real and personal property in said town for taxation. Said assessors shall ascertain

Assessors appointed.

Their duties.

the true valuation in money of every lot or parcel of land, or other real estate, with the improvements thereon, and also all personal property, and assess the same in accordance with said valuation. Said assessors are authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning taxable real and personal property in said town.

Authorized to administer oath.

Sec. 3. Said board of assessors shall make a complete return of their assessments, embracing an abstract of the taxable property and polls of said town, to the Board of Town Commissioners on or before the second Monday in July of each year, and annex the following affidavit, subscribed and sworn to before some person authorized to administer oaths: We, the assessors of the town of Jacksonville, Onslow County, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real and personal property and the number of polls required by law to be assessed in said town, and that we have assessed every tract or parcel of land, or other real and personal property, at its true value in money, and have endeavored to do equal justice to the public and the tax payers concerned.

Assessors to make return.
What to contain.

Affidavit to be filed.

Sec. 4. The Board of Town Commissioners of said town shall constitute a board of equalization of said town, and shall be subject to the same rules and regulations as the county board of equalization of said county.

Town commissioners a board of equalization.

Sec. 5. That section 33 of said chapter be amended by striking out in line four the words "Jacksonville Township" and insert in lieu thereof the words "said town."

Section 33, chapter 230, Laws 1891 amended.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 45.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HAYWOOD COUNTY TO LEVY A SPECIAL TAX TO MEET GENERAL AND SPECIAL INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Haywood County are hereby authorized and empowered, at their regular meeting in June, nineteen hundred and three and nineteen hundred and four, to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general and special indebtedness of said county.

Commissioners authorized to levy special tax 1903-'04.

Not to exceed twenty cents on $100 or sixty cents on poll.

SEC. 2. That the amount of tax levied as aforesaid under this act shall be determined by said Board of Commissioners, but shall not in either year exceed twenty cents on the hundred dollars worth of property and sixty cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Sheriff or tax-collector to account for tax.

SEC. 3. That the said tax shall be collected and accounted for by the Sheriff or Tax Collector of said county in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

CHAPTER 46.

AN ACT TO ENABLE THE TOWN OF ELIZABETH CITY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Board of aldermen authorized to issue bonds.

SECTION 1. That the Board of Aldermen of the corporation of Elizabeth City is hereby authorized to issue bonds in the name of the corporation of Elizabeth City in such denominations and forms as it may determine to an amount not to exceed ten thousand dollars, payable at such time and place as the Board of Aldermen may prescribe: *Provided*, that the time of payment of such bonds shall not be less than three nor more than fifteen years.

Not to exceed $10,000.

Payment in three to fifteen years.

No greater interest than six per cent. Payable annually. To be sold at par value.

SEC. 2. That the said bonds shall bear interest at no greater rate than six per cent. per annum, and the interest shall be payable annually, and said bonds shall in no case be sold or hypothecated or otherwise disposed of for less than their par value.

Style of bond.

SEC. 3. That the said bonds shall be signed by the Mayor and attested by the City Treasurer and sealed with the corporation seal of the city, and shall have interest coupons attached thereto. In order to meet the payment of the said bonds at maturity and the said coupons as they become due it shall be the duty of the Board of Aldermen and they are hereby empowered to levy and collect each year a sufficient special tax upon the subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of the said city and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under this act for the payment of the said bonds and interest coupons aforesaid shall be used for no other purpose,

Tax to be levied for payment of bonds and interest.

Proviso.

Special fund.

and it shall be the duty of the said Treasurer as said coupons are paid off and taken up to cancel the same and report to the Board of Aldermen the number and amounts of the coupons so cancelled. Treasurer's duty.

Sec. 4. That the said Board of Aldermen shall not issue said bonds, nor any of them, nor levy nor collect said taxes until they shall have been authorized and empowered so to do by a majority of the qualified voters of the said city at an election or elections to be held at such time and place as said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city, and at such election or elections those favoring the issue of the said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "Issue," and those opposing it shall vote "No Issue." The said board may in its discretion order a new registration of voters, and the majority of the votes so registered shall authorize and empower the said board to issue the said bonds and levy the said taxes as aforesaid. Election to be held before bond issue. Twenty days' notice of election. How to vote. Registration.

Sec. 5. That the said board shall have the power to call the election at any time upon giving the said notice, and the rejection by the voters shall not prevent a submission of the same proposition to the said voters at any other time that the said board may appoint. Power to call election. Rejection of bond issue not to prevent another election.

Sec. 6. That the said bonds may be issued for the purpose of repairing and building and improving the new street along Tiber Creek in North Carolina, and for the payment of the terminal of the Suffolk and Carolina Railway Company at Pasquotank River, and for such damages as the said corporation of Elizabeth City may have to pay for the right of way of said city, and for the purchase of said terminal for the said railway company: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the purchase money. Purpose of issue. Tiber creek improvement. Payment of S. & C. Ry. Co. Pay for right of way. Proviso, application of purchase money.

Sec. 7. That the said Board of Aldermen shall have the right and control to do all proper things to carry into effect the true intent of this act. Power of board.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 47.

AN ACT FOR THE RELIEF OF EVIE NEWMAN.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Caswell County is hereby authorized, empowered and directed to pay Miss Evie Newman the Treasurer authorized to pay Miss Newman.

sum of twelve and fifty one-hundredths dollars ($12.50) due her as teacher of the public school in District No. 32, Leasburg Township of Caswell County, for the white race, in the year 1901, out of any money in his hands due the public schools of said county: *Provided*, the said Evie Newman procure an order on said Treasurer from the committee of said district.

Proviso.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 48.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WASHINGTON, NORTH CAROLINA, TO ISSUE BONDS TO PAY ITS EXISTING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That whereas, the Board of Commissioners of the town of Washington are indebted in the sum of thirty-two thousand dollars, contracted for the necessary expenses of said town in its municipal government, and evidenced by bonds, scrip and other written evidences of debt heretofore issued to pay the actual and necessary expenses of the said town of Washington, which are now outstanding and unpaid; and whereas, it is desirable to fund and pay said indebtedness, the said Board of Commissioners of the town of Washington, or its successors, are fully empowered and required to issue coupon bonds under their corporate and official seal to the amount of thirty-two thousand dollars, and not exceeding said sum in the principal thereof, bearing five per cent. from date of issue, the interest payable semi-annually on the first days of November and May of each year. The principal and interest of said bonds shall be payable in the current funds of the United States government, and at such place as the said board may direct. The said bonds shall be issued in denominations of one hundred dollars and multiples thereof, no one bond being for a less sum than one hundred or for a greater sum than five thousand dollars. Said bonds and their coupons shall be numbered and the bonds signed by the Mayor of the town and countersigned by its Clerk, and have the corporate seal of said board attached, and the coupons shall be signed by the Mayor. A record shall be kept of the said bonds, showing the numbers and denominations thereof and to whom sold and dates of issue and maturity of each bond, and amount received

Indebted $32,000.

Town commissioners authorized to issue bonds.

Interest payable semi-annually.

Denominations $100 to $5,000.

Style of bonds.

Record to be kept.

from sales thereof. Said bonds shall be sold under such regulations and in such manner as the board may direct, but none of the bonds shall be sold for less than par or face value, and the proceeds derived from the sale of said bonds shall be applied exclusively to the payment and discharge of the present outstanding debts, bonds and obligations of the Board of Commissioners of the town of Washington, but not including what are known as the railroad bonds. The said board shall require of its treasurer a special bond, in case the regular bond of said treasurer is deemed insufficient, in such sum as the board may direct, not exceeding thirty thousand dollars, conditioned for the faithful accounting for and payment over according to this act of the proceeds of sale of said bonds. And said board may require from its treasurer an increased regular bond if deemed necessary to protect the revenues received to pay the interest on said bonds.

To be sold for par value.

Proceeds, how applied.

Treasurer to give special bond.

Bond may be increased.

Sec. 2. The principal of all of said bonds shall be due and payable on the first day of May, 1933, but it shall be the duty of the Board of Commissioners of said town to pay two thousand dollars of the principal of said entire bond issue on the first day of May, nineteen hundred and eighteen, and two thousand dollars on the first day of May of each year thereafter until the entire principal of each bond is paid of the entire thirty-two thousand dollars. And said board, or its successors, are empowered to place the numbers of all of said bonds in a box and draw out by lot the numbers of the bonds so to be paid, and in time to give notice to the holder of the bond so to be paid.

Principal due May 1, 1933.

$2,000 to be paid May 1, 1918.

Like sum same date each year thereafter.

Bonds, which ones paid.

Sec. 3. The coupons of said bonds shall be receivable in payment of all taxes due to be levied by said Board of Commissioners of said town of Washington, or by its successors, and the interest on said bonds shall be payable out of the ordinary revenues and taxes of said town, if said revenues are sufficient after paying the current necessary expenses of each year.

Coupons receivable for taxes.

Sec. 4. To further provide for the payment of said bonds, the said board, or its successors, shall levy an annual special tax on the polls, personal and real property, and other subjects of taxation of said town sufficient to pay the interest semi-annually on said bonds, and said board, or its successors, shall also levy during year 1917, and each year thereafter, a special tax sufficient to produce an annual sum sufficient to pay and discharge two thousand dollars of the principal of said bonds, as each installment falls due under the provisions of this act. All said special taxes shall be levied and collected from the polls and personal and real property and other subjects of taxation of said town in same manner as other taxes of said town are levied and collected. Said special taxes shall be applied when levied and collected strictly to the payment of the interest semi-annually on said bonds and also to the payment of

Special tax to be levied on poll and property.

Special tax in 1917 and thereafter.

Tax, how collected.

How applied.

each installment of principal at dates named in this act, and to no other purposes, and it shall be a misdemeanor, punished by fine and imprisonment in the discretion of the court, for an official of said town or other person to wrongfully misapply and divert said special taxes from the purposes provided by this act.

Misdemeanor to divert special tax.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 49.

AN ACT TO AMEND "AN ACT TO INCORPORATE SHILOH INSTITUTE."

The General Assembly of North Carolina do enact:

Chapter 321, Private Laws 1891, section 2, amended.

Section 1. That chapter three hundred and twenty-one of the Private Laws of one thousand eight hundred and ninety-one, section two, be amended to read as follows: That the said institute shall be managed by a board of nine trustees, who shall be elected by Shiloh Missionary Baptist Association of North Carolina. In the election of 1903 three shall be elected for a term of one year, three for two years and three for three years, all to hold until their successors shall be elected. All subsequent terms shall be for three years. All vacancies occurring otherwise than by expiration of terms may be filled by the board until the next annual meeting of the Association. The trustees shall have full power to rent, lease, mortgage, sell, re-invest and otherwise use or dispose of any real or personal property coming to their hands as they may deem for the best interest of the Institute.

Nine trustees, by whom chosen.

Tenure to commence 1903.

Vacancies.

Power of trustees.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 50.

AN ACT TO REGULATE ELECTIONS IN THE TOWN OF LITTLETON, NORTH CAROLINA.

Preamble.

Election May, 1902.

Whereas, on the first Monday in May, 1902, an election was held in the town of Littleton for Mayor and Town Commissioners of

said town, in accordance with the provisions of chapter 193 of the Private Laws of 1901; and

Whereas, it has been questioned whether said election should have been held under said chapter 193 of the Private Laws of 1901 or under the general law, chapter 750, Public Laws 1901; and

Chapter 193, Private Laws 1901.
Public Laws, chapter 750, 1901.

Whereas, it was the intention of the General Assembly of 1901 by the passage of said chapter 193, Private Laws of 1901, to except the town of Littleton from said general act, and that its election should be held under and regulated by said special act and not under the said general law: now, therefore,

Purpose of Legislature to hold election under special act.

The General Assembly of North Carolina do enact:

Section 1. That the election for Mayor and Commissioners of said town of Littleton held on the first Monday in May, 1902, in accordance with chapter 193, Private Laws 1901, be and the same is hereby declared to have been legal and valid.

Election May, 1902, declared valid.

Sec. 2. That all elections in said town of Littleton shall hereafter be held under the provisions of said chapter 193, Private Laws of 1901, which shall not be construed to be in conflict with any general law regulating elections in towns and cities which is now in force or may hereafter be enacted, unless the same shall specially repeal this act.

Elections to be under chapter 193, Private Laws 1901.

Sec. 3. That L. Vinson, Whit. A. Johntson and J. H. Bobbitt are hereby elected members of the board of elections of said town, and shall continue in office until the next regular meeting of the General Assembly, and until their successors are appointed and qualified.

Board of elections. Personnel.

Sec. 4. That all laws in conflict with this act are repealed in so far as they apply to the town of Littleton.

Repealing clause.

Sec. 5. That this act shall be in force from its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 51.

AN ACT FOR THE RELIEF OF JACOB WILLIAMS.

The General Assembly of North Carolina do enact:

Section 1. That Jacob Williams, an aged and infirm Confederate soldier of Wayne County be and is hereby authorized to peddle goods, wares, drugs and notions in the State of North Carolina without obtaining the peddler's license required by law in such cases.

Jacob Williams authorized to peddle without license.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 52.

AN ACT TO PROVIDE FOR THE ELECTION OF COTTON-WEIGHERS FOR ANSON COUNTY.

The General Assembly of North Carolina do enact:

When elected.

Section 1. That at the next general election after the ratification of this act and every two years thereafter, there shall be elected

For what towns.

by popular vote a cotton-weigher for each of the towns of Wadesboro, Morven, McFarlan, Lilesville, Polkton, Peachland and for such other towns as the Board of County Commissioners may deem it proper and to the interest of the people of Anson County. The

Chosen by qualified voters.

weigher for the town of Wadesboro shall be elected by the qualified voters of Anson County in the same manner and at the same time as is prescribed for the election of the county officers, and the weigher for each of the other towns of Morven, McFarlan, Lilesville, Polkton, Peachland, and for such other places as it may be deemed necessary under the provisions of this act, shall be elected by the qualified voters of the township in which the respective town or weighing point is located. It shall be the duty of the Board of

Vacancies.

County Commissioners to fill all vacancies occurring by death, resignation, removal or otherwise.

Term of office, when to commence.

Sec. 2. That each and every weigher elected under the provisions of this act shall be inducted into office the first Monday in May next after his election, and hold two years, or until his successor is elected and qualified.

County commissioners and justices of the peace to elect.

Sec. 3. That the Board of County Commissioners and justices of the peace of Anson County shall assemble in joint session at the court-house in Wadesboro on the first Monday in April, nineteen hundred and three, and elect a weigher for each of the towns named and provided for under this act, and the term of office of all of which weighers shall be governed by section two of this act.

Compensation.

Sec. 4. Each weigher shall receive as a compensation for each and every bale of cotton weighed by him the sum of six cents, one-half to be paid by the buyer, the other half by the seller, and there

How collected.

shall exist a lien on the cotton for the fees herein charged, which may be enforced by distress, seizure, sale or otherwise.

Monthly reports under oath.

Sec. 5. That each and every weigher elected or appointed under the provisions of this act shall make monthly reports to the Board of County Commissioners, under oath, of all cotton weighed and the amount of money received by him.

Oath of office.

Sec. 6. That every weigher elected or appointed under the provisions of this act, before entering upon the duties of his office, shall take and subscribe under oath, before some justice of the peace, or Clerk of the Superior Court, that he will faithfully, honestly, impartially and diligently perform the duties of his office.

Sec. 7. That the weigher for the town of Wadesboro, before entering upon the duties of his office, shall execute a justified bond in the penal sum of one thousand dollars, and the weigher for each of the other towns herein named before entering upon the discharge of his duties shall execute a justified bond in the sum of five hundred dollars, payable to the State of North Carolina, and conditioned upon the faithful discharge of the duties of his office. Weigher for Wadesboro. Bond. Other towns.

Sec. 8. That the Board of County Commissioners shall make such further rules and regulations for the weighing of baled cotton as they may deem necessary and best, not inconsistent with the provisions of this act or the general law of the land. County commissioners to make rules.

Sec. 9. That the Board of County Commissioners may remove any weigher elected or appointed under the provisions of this act for such causes as they may deem just and sufficient. Weigher, how removed.

Sec. 10. That any person other than a duly qualified weigher, or his assistant, who shall weigh any baled cotton which is put upon the market in any of the towns named in this act shall be guilty of a misdemeanor, and fined ten dollars for each and every bale weighed by him. Only qualified weigher to act. Misdemeanor.

Sec. 11. Any weigher who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Misdemeanor for weigher to violate this act.

Sec. 12. All laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

Sec. 13. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

Chapter 53.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the town of Mount Airy may order an election to be held in said town of Mount Airy at any time other than the date fixed for the holding of the regular municipal election, first giving thirty days' notice by publication in some newspaper published in said town of the time for holding and the purpose of such election, at which said election the duly qualified electors of the said town may vote for or against the sale of spirituous, vinous or malt liquors in the town of Mount Airy; those in favor of such sale shall vote "License," and those Town commissioners to order election. Date. Notice of. Purpose. Ballots.

Duties of board on decision by voters.

opposed shall vote "No License." If the majority of the votes cast be for license, the Mayor and Commissioners shall issue same under the regulations prescribed by law.

Election, how held.

SEC. 2. That said election shall be held and the result thereof ascertained in same manner and under same regulations as are prescribed by the charter of said town for the election of Mayor and Commissioners.

Repealing clause.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

CHAPTER 54.

AN ACT TO ALLOW THE COMMISSIONERS OF MONTGOMERY COUNTY TO SELL PART OF THE JAIL LOT.

The General Assembly of North Carolina do enact:

Commissioners authorized to sell jail lot.

SECTION 1. That the Commissioners of Montgomery County be and they are hereby authorized and empowered to sell the front of the jail lot of Montgomery County, facing the street leading west from

How sold.

the court-house, one hundred and ten feet deep, to the highest bidder for cash, after advertising the same for thirty days as required by law for the sale of real property under execution, and upon payment of the purchase money to make title of same to the purchaser, his heirs and assigns, in fee-simple.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

CHAPTER 55.

AN ACT TO AUTHORIZE THE TOXAWAY COMPANY TO FURNISH WINES AND LIQUORS TO THE BONA FIDE GUESTS OF ITS HOTELS IN JACKSON AND TRANSYLVANIA COUNTIES.

The General Assembly of North Carolina do enact:

Payment of taxes.

SECTION 1. That upon the payment of the State and county taxes required by law for each and every one of its hotels brought under

the provisions of this act, The Toxaway Company shall have the privilege of and authority to sell and furnish to the *bona fide* guests of said The Toxaway Company at its hotels in the counties of Jackson and Transylvania spirituous, vinous, malt liquors and wines in the original packages in bottles or flasks: *Provided*, that a license obtained by the payment of the tax for any one of its hotels shall not authorize a sale or delivery of the same to guests at any other of its hotels: *Provided further*, that the registration of a guest at one of its hotels shall not authorize a sale or delivery to such guest at any other of its hotels: *Provided further*, that this act shall only apply to those hotels now built or under construction in Jackson County and the hotel at Lake Toxaway in Transylvania County.

Toxaway Company granted privilege to furnish guests liquors.

Proviso.

Confined to the hotel licensed.

Proviso, guests.

Proviso.

To what hotels applicable.

Sec. 2. That for every sale of any such vinous, spirituous and malt liquors contrary to the provisions of this or for any other violation of this act by the said company, its agents or employees, it shall forfeit the sum of one hundred dollars for each and every such offense to the benefit of the school fund of the county in which such hotel is located, to be recovered upon the suit of the Board of Education of such county, or any other person suing therefor on behalf of such board; that a violation of this act by said company, its agents or employees, shall be deemed a misdemeanor, and upon conviction fined in the discretion of the court: *Provided*, that this act may be annulled by a vote of the people of Transylvania County, if they so desire.

Violations of act.

Penalty.

How recovered.

A misdemeanor.

Proviso, privilege, how annulled.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 10th day of February, A. D. 1903.

Chapter 56.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners for the county of Jackson are hereby authorized and empowered at the regular time for levying taxes in the years nineteen hundred and three and nineteen hundred and four to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general indebtedness of said county.

Commissioners empowered to levy tax, when.

Purpose of.

Amount, how determined.

Sec. 2. That the amount of the tax levied as aforesaid under this act shall be determined by said Board of Commissioners, but shall not in either year exceed thirty-three and one-third cents on the one hundred dollars worth of property and one dollar on the poll, and the constitutional equation between property and poll shall always be observed in making such levies.

Equation to be observed.

By whom and how collected.

Sec. 3. That said tax shall be collected and accounted for by the Sheriff or Tax Collector of said county in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 57.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FIVE OF PRIVATE LAWS 1899.

The General Assembly of North Carolina do enact:

Chapter 155, Private Laws 1899 amended, sec. 30.

Section 1. That chapter one hundred and fifty-five, Private Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended as follows: Strike out the words "sixty-six and two-thirds" wherever they occur in section thirty of said chapter and substitute therefor the words "one hundred"; and strike out the word "two" in said section in said chapter where it occurs in line eleven from the top after the word "and" and before the word "dollars" and insert the word "three."

One hundred inserted where sixty-six appears.

Three inserted where two appears.

Section 47 amended.

Sec. 2. That section forty-seven of said chapter be and the same is hereby amended by striking out the word "ten" in line seven from the top of said section and after the word "exceeding" and before the word "thousand" and substituting therefor the words "twenty-five."

Twenty-five inserted where ten appears.

Repealing clause.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 58.

AN ACT TO INCORPORATE THE TOWN OF STOKES, IN THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

Section 1. That the town of Stokes, in the county of Pitt, be and the same is hereby incorporated by the name and style of Stokes, and shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this act. Town of Stokes incorporated.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at Briary Swamp, running south-west 2,180 yards with J. L. Ross' lane to J. L. Robinson's and W. G. Stokes' lane; thence north-west 1,000 yards with said Robinson's and Stokes' lane and line to the Perkins old road; thence north with Perkins' old road 1,760 [yards] to Briary Swamp; thence down Briary Swamp to the beginning 1,155 yards. Corporate limits defined.

Sec. 3. That the officers of said town shall consist of a Mayor and three Commissioners and a Constable, and the Commissioners shall have power to appoint a Clerk and Treasurer and such other officers as they shall deem necessary in the discharge of their corporate duties. Officers.

Sec. 4. That said Commissioners shall have and exercise all such corporate powers and duties as are conferred upon commissioners of incorporated towns under chapter 62, Volume II of The Code, and said chapter shall be applicable in every respect to said town. Commissioners, powers of. Chapter 62, Vol. II, Code.

Sec. 5. That until an election shall be held in said town the following named persons shall fill the offices as follows: For Mayor, W. O. Cherry; Commissioners, Dr. W. E. Warren, W. S. Overton and J. S. Cherry, and the said Commissioners shall meet as soon after the passage of this act as possible, and shall elect from outside their number a Clerk, Treasurer and a Constable and such other officers as they may deem necessary, all of whom shall hold office until the next election in said town or until their successors are appointed or elected. Temporary officers. When to meet. Duties.

Sec. 6. That [an] election shall be held in said town for the purpose of naming the officers as is provided by the general law regulating the holding of elections in cities and towns. Election of officers, when.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 59.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS AND HIGHWAYS OF SMITHFELD TOWNSHIP, IN THE COUNTY OF JOHNSTON.

The General Assembly of North Carolina do enact:

To construct roads. Smithfield township.

Section 1. That in order to provide for the proper construction, improvement and maintenance of the public roads of Smithfield Township, in the county of Johnston, the Board of County Commissioners of said county at their regular meeting in June, 1903, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in Smithfield Township in said county of twenty cents on the hundred dollars worth of property and sixty cents on the poll.

Commissioners to meet. Special tax. Rate.

Commissioners to make out tax list annually. List to be given tax collector.

Sec. 2. That the Board of County Commissioners of Johnston County are hereby directed and required annually to cause to be made out a full and complete tax list in accordance with section one of this act and kept in a separate book, to be marked "Smithfield Township Road Tax"; and turn over and deliver the same to the Tax Collector of said county at the same time and in the same manner as the county tax books are now turned over and delivered to said Tax Collector.

Duty of tax collector. Compensation of. Separate receipts. Disposition of tax. Liability of tax collector.

Sec. 3. That said Tax Collector of Johnston County is hereby required to collect said taxes under the same rules, laws and penalties as he is required to collect State and County taxes, and receive the same compensation therefor. That said Tax Collector shall give separate receipts for said taxes, and shall pay over to the Treasurer of Johnston County any and all of such taxes in his hands once each month. That said Tax Collector and his bond shall be liable for said taxes in like manner as he is liable and responsible for State and county taxes.

County treasurer to receive tax. His duties. Compensation of.

Sec. 4. That the Treasurer of Johnston County shall receive and hold said taxes as a separate fund, and for this purpose he is hereby required to keep an account of his receipts and disbursements of said funds in a separate book for this purpose only. That said book is at all times to be open for the inspection of the supervisors hereinafter provided for, and the said Treasurer of Johnston County is to pay out such funds and taxes only as he is hereinafter directed by this act. That his compensation shall be the same and paid in like manner for the distribution of the State and county taxes.

Supervisors, personnel.

Sec. 5. That J. M. Beaty, J. H. B. Tomlinson and W. M. Sanders are hereby appointed supervisors of the public roads of Smithfield Township, in said county of Johnston, and who shall be known as

"Smithfield Township Road Supervisors," and who shall hold their offices respectively for one, two and three years, and each of whom shall continue in office until the election and qualification of his successor. That upon the expiration of the terms of any or either of said supervisors the two supervisors whose terms have not expired shall nominate a freeholder of said township to fill the vacancy, and upon the approval of the County Commissioners he shall become a road supervisor. Should the said County Commissioners reject the nomination of any one as road supervisor, the said supervisors whose terms have not expired shall nominate another or others until one has been approved by the County Commissioners. If for any cause the Smithfield Township Road Supervisors shall fail for thirty days to nominate a supervisor to succeed one whose term has expired, then it shall be the duty of the Board of County Commissioners to elect a freeholder, a citizen of said township to fill the office then vacant. That the office of the present Board of Road Supervisors in Smithfield Township be and the same is hereby abolished. The said supervisors are hereby allowed the rate of one dollar per day while actually engaged in the carrying out the requirements of this act and in the discharge of their duty.

Style.
Tenure.
Qualifications and method of electing members of board.
Present board of supervisors abolished.
Compensation of board.

Sec. 6. That the Smithfield Township Road Supervisors and their successors in office before entering upon the discharge of their duties shall each enter into a bond in the sum of two hundred dollars for the faithful performance of the duties required by this act, and shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which bond and oath shall be filed with and approved by the Board of County Commissioners.

Supervisors to give bond and subscribe to oath of office.

Sec. 7. That the Smithfield Township Road Supervisors shall elect a Superintendent of Roads, who shall have charge of and the management of hands, labor, teams, tools and other apparatus and machinery used on said public roads under the control of the supervisors. That said superintendent shall be subject to dismissal for any cause which the supervisors in their discretion shall deem sufficient. He shall give bond in a sum to be fixed by said supervisors, not less than five hundred dollars, for the faithful performance and discharge of his duties. That said superintendent shall take and subscribe an oath for the faithful discharge of his duties required by this act, and which bond and oath shall be approved by and filed with said supervisors. That said superintendent shall receive a salary not exceeding seventy-five dollars per month, said salary to be fixed by the supervisors. It shall be the further duty of said superintendent to keep a register in which he shall record each day an itemized statement of the number of persons working on said roads, the number of hours of work, the amount paid each hand, together with a list of all tools, implements, carts, wagons, machinery or other apparatus received, and the disposition of same.

Superintendent of roads, duties of.
Removal of.
To give bond.
To take oath.
Compensation of.
Further duties.
To keep register.

To have control of all construction material.

The said superintendent, under the control of the supervisors, shall have charge of all teams and the taking care of and feeding same.

Superintendent, removal from office.

That the supervisors are hereby vested with full power to remove said superintendent at any time for incompetency or for failure to perform the duties of his office or for any other good cause to them that may seem sufficient.

Supervisors to purchase construction material.

Sec. 8. That the said Smithfield Township Road Supervisors are hereby vested with full power and authority to purchase such material, apparatus, implements and machinery, such as shovels, picks, road-scrapers, rollers and all other necessary material or tools or machinery as in their discretion is to the advantage and interest for work on said roads, together with such mules, horses, carts and wagons as may be necessary to carry on said work; the same to be paid for out of the taxes collected under and by virtue of this act.

How paid for.

Supervisors, additional duties.

That said supervisors shall superintend the employment of all labor, paying for the same, and shall make such contracts as they may deem best, and shall pay for all tools, teams, machinery and other materials necessary for the improvement, constructing, building and maintaining the said public roads in Smithfield Township.

Superintendent to make out pay-roll.

Sec. 9. That the said superintendent, under the direction of the supervisors, shall make out all pay-rolls and file the same with the supervisors.

Statements, what to contain.

And the said superintendent shall make out a weekly, a monthly and an annual statement of all his works and doings, including the number of days worked, the number of hands employed and the amount paid each for work on said public roads.

Supervisors to issue warrants on county treasurer.

Sec. 10. That the supervisors of the Smithfield Township roads shall issue their warrants upon the County Treasurer to pay all bills, debts and accounts incurred for said machinery, apparatus, tools, teams or other necessary expenditures incurred in working on said roads.

Character of warrants.

That each warrant shall plainly state on its face the amount paid and for what purpose drawn.

Authority to treasurer to pay.

That the Treasurer of Johnston County is hereby authorized and directed to pay out of any moneys in his hands belonging to said road fund on warrants drawn by said supervisors.

Supervisors to make report.

Sec. 11. That said Board of Supervisors shall make a quarterly report to the Board of County Commissioners of all moneys received from said road tax fund and for what purpose the same was expended,

What to contain.

which report shall be recorded by the Register of Deeds of Johnston County in a book kept for this purpose alone, which

How preserved.

book shall be labeled "Reports of Smithfield Township Road Supervisors."

Superior Court authorized to send convicts to road work.

Sec. 12. That the judges of the Superior Court of this State are hereby authorized and empowered to sentence convicts to work upon said public roads in Smithfield Township in Johnston County upon the written application of the Smithfield Township Road Super-

visors. That justices of the peace in Johnston County are hereby authorized and empowered to sentence all persons convicted in the court of said justice of the peace, wherein they have final jurisdiction, to work said public roads. Justices of the peace given authority to send convicts to road work.

Sec. 13. That if any County Commissioner, road supervisor or superintendent, or other officer herein required, shall wilfully fail or neglect to perform any of the duties of this act, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Official neglect of duty. Penalty.

Sec. 14. That said supervisors of said Smithfield Township roads are hereby required to make quarterly settlements with the Tax Collector and County Treasurer and file said settlements as part of their report with the County Commissioners. Supervisors to make quarterly settlements.

Sec. 15. That said Board of Commissioners of the county of Johnston are hereby required and directed to call and order a special election to be held in the town of Smithfield for Smithfield Township, on Tuesday after the second Monday in April, nineteen hundred and three, under the same rules, regulations and laws as is now provided for the election of members of the General Assembly. And upon the ratification of the levy of said special tax as set out in section one of this act by a majority of all the votes cast at said election, then this act shall be in full force and effect. If a majority of all the votes cast at said election be against the levy of said special tax, then this act shall be inoperative and of no force. All those favoring the levying of said special tax shall vote a written or printed ballot containing the words "For Special Tax," and all those opposing the levying of said special tax shall vote a written or printed ballot containing the words "Against Special Tax." Commissioners directed to call an election. When to be held. Rules governing same. Purpose and effect of. Ballots.

Sec. 16. That this act shall be in full force and effect from and after its adoption by a majority vote of all the votes cast at the election herein provided. When to become effective.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 60.

AN ACT TO AMEND CHAPTER 123, LAWS OF 1889, AMENDING THE CHARTER OF THE TOWN OF FRANKLIN, IN THE COUNTY OF MACON.

The General Assembly of North Carolina do enact:

Section 1. That chapter 123 of the Laws of 1889, amending the charter of the town of Franklin, Macon County, shall be amended as follows: That the Board of Commissioners of the town of Franklin, Chapter 123, Laws 1889 amended.

in the county of Macon, shall have the power to grant permission and privileges to individuals, companies or incorporations to erect, construct, operate and maintain telephone lines and telephone exchange, erect poles for said purpose, and all other needful franchises for said purpose, within the corporate limits of said town.

Commissioners to grant privileges to erect telephone lines.

Water-works, electric plants.

Sec. 2. That said Commissioners shall have power to grant permission to individuals, companies and corporations, and all needful franchises to erect and maintain water-works, electric light plants and electric lights in said town.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 61.

AN ACT TO INCORPORATE THE BANK OF ALEXANDER, AT TAYLORSVILLE, N. C.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. J. Byerly, A. C. McIntosh, W. B. Matheson, G. W. Flowers, R. P. Matheson, E. L. Hedrick, W. J. Allen, E. C. Sloan, W. P. Ingram, A. L. Watts, E. M. Stevenson and others and their future associates, successors and assigns, be and the same are hereby created a body politic and corporate under the name of the Bank of Alexander, and shall continue for fifty years, and shall have power to sue and be sued, contract and be contracted with, have a common seal, and enjoy all the rights and privileges necessary and incident to carrying on a general banking business.

Corporate name.

Period of existence.

Powers.

Capital stock.

Shares.

Increase of capital stock.

Sec. 2. That the capital stock of said bank shall be five thousand dollars, divided into shares of fifty dollars each, but the stockholders of said bank shall have the privilege of increasing said capital stock from time to time not exceeding fifty thousand dollars.

Powers enumerated.

Sec. 3. That the said corporation shall have power to receive and disburse the lawful currency of the country, deal in notes, stocks and bonds and other securities, borrow and lend money, receive deposits of money, securities, or valuable personal property of any kind; may charge for the use of money loaned the highest rate of interest allowed by law, and shall have the right to retain said interest at the time of making the loan, to take real and personal property as security for money loaned, and to buy any property conveyed to it to secure money loaned or advanced, and to do any and all acts and to enjoy all the liberties, immunities and privileges

enjoyed by and conferred upon any bank chartered under the laws of North Carolina.

Power to handle personal and real property.

Sec. 4. That the said bank shall have power to buy, sell, lease, hold and exchange, and encumber by mortgage or otherwise, real and personal property, with all the rights and privileges connected therewith.

When to commence business.

Sec. 5. That as soon as five thousand dollars shall be paid in in cash the said bank shall have the right to enter upon and perform all the privileges and duties granted and contemplated by this charter.

Stockholders to elect officers.

Sec. 6. That the stockholders in said bank may elect as many directors as they see fit, not less than five, to manage and control the affairs of said bank, and the said board of directors shall annually elect a president, vice-president and a cashier of said bank, whose duties and privileges shall be prescribed by the by-laws of the corporation.

What officers.

Board of directors.

Powers.

Sec. 7. That the said corporation shall have power through and by its board of directors to enact such rules, regulations and by-laws for government of the corporation as in the judgment of the said directors may seem proper and just: *Provided,* the same be consistent with the laws of this State and the United States.

Proviso.

Deposits by minors and married women.

Sec. 8. That when a deposit of any kind is made in said bank by or in the name of a minor or married woman, then the check or order of such minor or married woman shall be full protection to said bank in paying out said deposit.

Place of business.

Sec. 9. That the place of business of said bank shall be in the town of Taylorsville, N. C. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts and debts and engagements of said bank, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Liability of stockholders.

Sec. 10. That this corporation shall exist and be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 62.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF REIDSVILLE, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 2, chapter 4, Private Laws 1901 amended.

Section 1. That section 2 of chapter 4 of the Private Laws enacted by the General Assembly at the session of 1901 be amended by adding after the word "collection" at the end of said section

Proviso added.

Forfeiture by commissioner for failure to attend meeting of board.

the following words: *Provided further*, that if any Commissioner shall fail to attend any meeting of the Board of Commissioners he shall forfeit the sum of two dollars for each failure to so attend, unless excused by the board for good cause; the said sum to be deducted from his salary and remain in town treasury.

Section 10, chapter 58, Private Laws 1887 amended.

Line three.

Sec. 2. That section 10 of chapter 58 of the Private Laws enacted by the General Assembly at the session of 1887 be amended by striking out the word "all" in line three thereof and by inserting after the word "the" and before the word "power," in the same line, the word "exclusive."

Section 23, chapter 58, Private Laws 1887 amended.

Line three, June in lieu of April.

Line three, fifteen in lieu of five.

Sec. 3. That section 23 of chapter 58 of the Private Laws enacted by the General Assembly at the session of 1887 be amended by striking out the word "April" in line three thereof and inserting the word "June" in lieu thereof; and by striking out the word "five" in the same line and inserting the word "fifteen" in lieu thereof.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 63.

AN ACT TO INCORPORATE THE BANK OF DUPLIN, OF WALLACE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That T. Q. Hall, B. R. Graham, N. H. Carter, J. S. Westbrook, A. L. McGowan, J. D. Mallard, L. V. Bradshaw, J. A. Cavanaugh, H. C. McQueen and those associated with them now or hereafter and their successors are hereby constituted and declared to be a body politic and corporate by the name and style of the

Corporate name.

Bank of Duplin, of Wallace, North Carolina, and shall so continue for the term of fifty years, with authority to purchase, hold and convey real or personal estate, and with all the powers, rights and

Powers and privileges.

privileges granted to any bank or banking institution by this or any preceding Legislature of this State, together with the rights, powers and privileges incident or belonging to corporations, as set forth or referred to in the first, second and third sections of chapter

Liability of stockholders.

sixteen of The Code, entitled "Corporations." The stockholders of the bank organized under this act shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount

of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Capital stock, amount of. Shares.

Sec. 2. The capital stock of said corporation shall not be less than ten thousand dollars ($10,000), in shares of one hundred dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding fifty thousand dollars.

Increase of capital stock.

Subscription books.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby authorized and empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of such bank, may at their discretion, from time to time, re-open books of subscription to said capital stock until the whole amount is taken.

When, where.

Subscription books, when re-opened.

When to commence business.

Sec. 4. Whenever ten thousand dollars shall be subscribed and five thousand dollars shall be paid into the capital stock of said bank, the above named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem necessary, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be elected, and said directors shall choose a president and vice-president to serve during their continuance in office and until their successors shall be appointed.

Directors.

President and vice-president elected.

President and directors to adopt seal.

Sec. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for stocks and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations.

Make by-laws, etc.

To do a banking business.

Sec. 6. The bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may discount notes or evidences of debt; may lend money on such terms as may be agreed on, not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors.

Hold property.

Deposits.

Failure of subscriber to pay.

Sec. 7. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his

How recovered.

stock shall be deemed to be due and may be recoverd in the name of the bank, either by motion to the court of the county wherein the delinquent may reside, upon giving him ten days' notice of the motion,

Delinquent stock may be sold.

by civil action, or the entire stock may be sold by order of the directors for cash, at the banking house in Wallace, N. C., after

How.

advertisement of sale for twenty days in a newspaper published in said town of Wallace, or posted in two public places therein, and if at such sale the price should not be sufficient to discharge the

Subscriber still liable.

amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

On assignment of stock who liable.

Sec. 8. If any subscriber shall assign his stock before the full payment, he and his assignee and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid or by the civil action, and in every case of a delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the bank.

Authority of president and directors.

Sec. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation, shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws adopted by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank, and they shall direct when dividends or profit shall be made. They may call a meeting of the

Call meeting of stockholders.

stockholders whenever they think proper, and any number of the stockholders holding together one-fifth of the stock may call a special

How called.

meeting on giving thirty days' notice in a newspaper published in Wallace or by notice delivered or mailed to each stockholder of

Proxies.

record. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Bank, powers and privileges of.

Sec. 10. Said bank shall have power to make loans upon mortgages of real estate or personal property, with power of sale inserted upon default of payment, also to receive in storage or warehouse or otherwise any cotton, wheat, corn, other produce, manufactured

Loans, security for.

articles or other property as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

Sec. 11. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 64.

AN ACT PROVIDING A DAY FOR THE ELECTION OF TOWN OFFICERS FOR THE TOWN OF RAEFORD, IN CUMBERLAND AND ROBESON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That on the first Monday in May, nineteen hundred and three, and biennially thereafter, an election shall be held in the town of Raeford, in the counties of Cumberland and Robeson, for the purpose of electing a Mayor and other town officers, and that said election shall be held in accordance with the laws and regulations governing other public elections in the State at the time of holding these elections. What day election day. Raeford, N. C. Election of officers. How conducted.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 65.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHAPEL HILL TROLLEY COMPANY," RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE 5th DAY OF FEBRUARY, 1903.

The General Assembly of North Carolina do enact:

Section 1. That the word "Supreme" in the last line of section twelve (it being next to the last word in said section) of an act entitled "An act to incorporate the Chapel Hill Trolley Company," ratified February 5th, 1903, be stricken out, and the word "Superior" be written in lieu thereof. Amended. Superior in lieu of Supreme.

Sec. 2. The Secretary of State is hereby authorized and directed to strike out of said section the word "Supreme" (it being the next to the last word in said section) and insert the word "Superior" in lieu thereof in the copy now on file in his office, and have the said act published so that it will read Superior Court. Secretary of State to make change.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 11th day of February, A. D. 1903.

Chapter 66.

AN ACT TO INCORPORATE THE TOWN OF BLADENBORO, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Bladenboro incorporated.

Section 1. That the town of Bladenboro, in the county of Bladen, be and the same is hereby incorporated, by the name and style of

Name.

the town of Bladenboro, and shall be subject to all the provisions

Chapter 62 Code.

contained in chapter sixty-two (62) of Volume II (2) of The Code not inconsistent with this act.

Corporate limits defined.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at a point on the south edge of Bryan Swamp exactly opposite the Dick Ivey house on the Carolina Central Railroad, and runs thence a direct line to the fork of the Fair Bluff and Pitman road; thence with Henry C. Bridger's fence on the south side of his field to Bryan Swamp; thence along the south edge of Bryan Swamp to the beginning.

Officers.

Sec. 3. That the officers of said corporation shall consist of a Mayor, three Commissioners, Marshal, regular and special policemen, Clerk and Treasurer, and such other officers as the Town Commissioners may elect, and the following named persons shall fill the offices of Mayor and Commissioners from their qualification until the first Monday in May, 1905, and until their successors are elected

Personnel until election.

and qualified: For Mayor, D. B. Edwards; for Commissioners, H. C. Bridger, Council Thompson and Alexander Shaw.

Officers appointed.

Sec. 4. That the Marshal, Clerk and Treasurer and regular policemen shall be appointed by the Town Commissioners, and the special policemen shall be appointed by the Mayor.

Assistant marshal.

Sec. 5. That the Marshal may appoint an Assistant Marshal, who, in the absence of the Marshal, shall have all the powers and discharge all the duties of the Marshal.

Elections.

Sec. 6. An election shall be held in said town on the first Monday in May, 1905, and biennially thereafter, for a Mayor and three Commissioners, under the laws of North Carolina regulating elections in towns and cities.

City council.

Sec. 7. That the Mayor and Commissioners shall form a council,

Duties of.

and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina and laws of said sovereignties.

Qualification of officers.

Sec. 8. That the officers provided for by this act shall qualify within ten days after its ratification, before a justice of the peace

or the Clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 12th day of February, A. D. 1903.

Chapter 67.

AN ACT TO ESTABLISH GRADED SCHOOLS AT WESTFIELD.

The General Assembly of North Carolina do enact:

Section 1. That all the territory lying and included within the following boundaries, to-wit, the boundary to include a part of Surry and Stokes Counties: Beginning at the ford of Meadow Branch on the Ayresville Road in Stokes County, N. C., running with the outside lines of J. R. Smith, C. W. Simmons, B. A. Neal, S. F. Neal, J. R. Tilley, S. M. Jessup, W. A. Tilley, Levi M. Jessup, J. M. Jessup, J. B. Simmons, P. H. Jessup, S. A. Chilton, James A. Chilton, William Adams, Lizzie Jackson, R. F. Jackson, Elijah Pell and J. H. Hunter to the Mill Road; thence running east with said road to Volunteer Road; thence with the outside lines of Melvin Simmons, C. F. Mills, Mrs. Fannie Bouldin, S. W. Cook, J. E. Simmons, T. J. Jackson, Gus Key, J. H. Lowe and J. R. Smith, to the beginning. The outside lines of parties named above shall be known as the said boundary line, shall be and are hereby constituted a public graded school district to be known as the "Westfield Graded School District." Boundaries established. Description. Constituted a public school district. Name.

Sec. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of the same, shall be the same and are hereby extended to said graded school district as in the levy and collection of State and county taxes of the counties of Stokes and Surry, and all elections shall be held and conducted within said territory for graded school purposes and benefits in the same manner as in the election of county officers of the counties of Surry and Stokes. Levy on real and personal property. Taxes. Election for school purposes. How held.

Sec. 3. That for the purposes of establishing and defraying the expenses of the public graded school provided for in this act, the board of trustees hereinafter named shall annually and at the time of levying the county and State taxes, commencing with the fiscal year beginning the 1st day of June, 1903, levy and lay particular tax on all persons and subjects of taxation within the limits of said graded school district, on which this Board of Commissioners Expenses, how met. Trustees to make tax levy. What to levy on.

of said counties may now or hereafter be authorized to lay and levy taxes for any purpose whatever; said particular tax to be not more than 33 1-3 cents on the one hundred dollars assessed valuation on property and not more than one dollar on each taxable poll, which said taxes so levied and assessed shall be collected by the Sheriffs or Tax Collectors of the counties of Stokes and Surry at the same time and manner said Sheriffs or Tax Collectors shall collect the taxes for State and county, and shall pay the said taxes so collected for the graded school purposes over to the Treasurer of the board of trustees hereinafter to be named by said board of trustees.

Amount of tax.

How collected.

Taxes to be paid over to treasurer of trustees.

Board of trustees, personnel.

Sec. 4. That J. R. Tilley, E. J. Payne, R. K. Simmons, R. V. Marshall and S. P. Christian shall be and are hereby constituted and appointed a board of trustees for such graded school in said graded school district for two years and until their successors are elected and qualified. In the event of a vacancy in said board of trustees during their term of office such vacancy shall be filled by the other members of said board of trustees.

Tenure.

Vacancies.

Board of trustees incorporated.

Sec. 5. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Westfield," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gifts, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as are incident to other corporations.

Name.

Powers.

Trustees to have control of territory free from supervision of commissioners, etc.

Sec. 6. That said board of graded school trustees shall have exclusive control of all public schools in said territory, free from the supervision and control of the county boards and the County Superintendents of Schools of Stokes and Surry Counties; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such school; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said school; shall cause to be taken from time to time, in accordance with the general school laws of the State, an accurate census of the school population of said district; and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.

Rules and regulations.

Employment of officers and teachers.

School census.

School funds from whatever source to be paid over to treasurer of trustees.

Sec. 7. That all public school funds derived from the State and from the counties of Stokes and Surry for the use and benefit of the public schools in said graded school district shall be paid over to the treasurer of the said board of trustees by the Treasurers of said counties for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the various public school districts embraced entirely within the limits of said graded school district shall become the property

School property, how held.

of said graded school district, and the title thereto shall rest in said board of trustees in trust therefor; and the said board of trustees may in their discretion sell the same or any part thereof and apply the proceeds to the use of the public graded school to be in said school district.

Treasurer, how chosen.

Sec. 8. That said board of trustees shall elect a treasurer, whose duty it shall be to collect and hold all the moneys and funds of said graded school district, and to pay out the same in such manner as he may be directed by order of said board of trustees. Said treasurer shall execute his bond in a sufficient amount, to be fixed and approveed by the board of trustees of said graded school district, and the compensation of said treasurer for his services shall be fixed by the board of trustees of said graded school district and the same paid out of the funds and money of said district. The treasurer of said board of trustees shall report annually to the board of trustees an account of his dealings with the funds of said graded school district.

Duties of.

Bond to be given by.

Compensation of.

Annual report.

Tenure of trustees.

Sec. 9. That said board of trustees shall hold their office for two years from and after an election on the 1st Monday in May, 1903, and until their successors are elected and qualified. That on the 1st Monday of May, 1905, and every two years thereafter, there shall be an election held in said graded school district conducted under the general election laws of this State, at which said election there shall be elected a board of trustees for said graded public school, consisting of five members receiving the highest number of qualified votes cast in said graded school district.

Election of trustees, when.

Five members.

This act, when and how to become effective.

Sec. 10. That the provisions of this act shall not be in force until the same has been submitted and ratified by a majority of the qualified voters of said public school district, at an election to be held on the first Monday in May, 1903, by the board of trustees hereinbefore named. That thirty days' written public notice shall be given of such election at not less than three public places in said graded school district, of the time and place of holding said election. That the said board of trustees shall appoint three qualified electors to hold said election, one of which shall be registrar and two shall be poll holders. That said election shall be held and conducted under the provisions of the law governing the holding of elections of county officers. Those qualified voters approving this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving this act shall deposit a ballot containing the written or printed words "Against Schools," and the result of said election shall be declared in the same manner as govern the election of county officers.

Election.

Notice of election.

Registrar and poll-holders.

Election, how held.

Ballots.

Repealing clause.

Sec. 11. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 13th day of February, A. D. 1903.

Chapter 68.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE VILLAGE AND TOWNSHIP OF SWAN QUARTER, NORTH CAROLINA, IN THE COUNTY OF HYDE.

The General Assembly of North Carolina do enact:

Boundaries.

Description.

Section 1. That the following described territory lying within Swan Quarter Township, Hyde County, to-wit, beginning at Oyster Creek Bridge and running with the Credle Road to the savanna; thence with the New Road to the Swan Quarter Road; thence with the Swan Quarter Road to the line of the land belonging to the Home for the Aged and Infirm; thence with the back line of the lands belonging to the said Home for the Aged and Infirm and along the back lines of the lands of the devisees of Thomas E. Harris, deceased, the lands of Mrs. Jennie Fisher, the lands of W. S. Harris, the lands of Homer Jarvis, John Jarvis, Foster Jarvis, Zacheus Jarvis, R. D. Harris, the heirs at law of Mrs. Sally Griffin, deceased, Mrs. Ida P. Berry and Samuel Weston, William Swindell and the lands of the heirs of George W. Swindell, deceased, to the line of the lands of the heirs of D. K. Credle, deceased; thence with the line of said Credle land to the public road at the Plank Bridge; thence with the line of the Benders Selby land to the leading ditch that empties into Swan Quarter Bay; thence with said ditch to the said bay and thence with the winds of Swan Quarter Bay to Oyster Creek, and thence with the said creek to the beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the "Swan Quarter Graded School District."

White and colored children. Name.

School trustees to issue bonds.

Amount.

Proportion of.

Six per cent. interest.

Sec. 2. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding fifteen hundred dollars, of such denominations and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable yearly, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be in such form and tenor, and transferable in such way and the principal thereof payable or

redeemable at such time or times, not exceeding twenty-five years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue such bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section three of this act.

Redeemable in twenty-five years.

Proviso.

Bonds, how issued.

Sec. 3. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded school trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment. The said board of graded school trustees shall also purchase real estate sufficient to carry out the purposes of this act.

Proceeds from bonds.

How expended.

Board to purchase real estate.

Sec. 4. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section three of this act.

Bonds to be sold at par.

How applied.

Sec. 5. That said bonds and their coupons shall not be subject to taxation by any town that may hereafter be incorporated and include the territory described in section one of this act within its corporate limits until after they shall have become due and tender of payment shall have been made. Such coupons shall be receivable in payment of all taxes and other public dues of such town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Bonds exempt from taxation.

Coupons receivable for taxes.

No interest after tender.

Sec. 6. That for the purpose of providing for the payment of said bonds and interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the county of Hyde shall annually, and at the time of levying the State and county taxes, commencing with the fiscal [year] beginning the first Monday in June, nineteen hundred and three (1903), and every year thereafter, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which the said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax shall be in addition to and supplemental of the special or particular tax already authorized in the territory described in section one of this act, levied under and by authority of an election held in said district or territory under section 72 of the Public School Law of North Carolina; said particular or special tax to be levied under the pro-

Payment of bonds and interest.

Commissioners to levy tax.

When.

What to levy on.

Section 72, public school law.

Thirty-five cents on $100, $1.05 on poll.

visions of this act to be not more than thirty-five cents on the one hundred dollars assessed value on property and not more than one dollar and five cents on each taxable poll.

Tax, by whom collected.

Sec. 7. That said taxes shall be collected by the Sheriff or Tax Collector of Hyde County at the time and in the manner that the public, county, poor and school taxes are collected; and said Sheriff or Tax Collector shall pay over the said taxes to the Treasurer of Hyde County, who shall keep the funds derived from said taxes separate and apart from all other funds. The said Treasurer shall pay out said taxes and any other funds which may come into his hands for the use of said graded schools, only upon warrant of the chairman and secretary of said board of graded school trustees. Said warrants shall also be approved by the County Superintendent of Schools of Hyde County in the manner now provided by law for approval of other school warrants: *Provided*, that all bonds hereafter executed by such Sheriff or Tax Collector and County Treasurer for the faithful paying over of said taxes on the part of the Sheriff or Tax Collector, and for the safe-keeping and proper disbursement of the same on the part of the County Treasurer, shall be in an amount sufficient to cover the taxes provided for in this act.

Treasurer of Hyde county custodian.

Fund, how paid out.

Proviso.

Official bonds of county officers.

Sections 2 and 6 to be voted upon.

When.

Notice of election, what to contain.

Election, how held.

Election officers.

Ballots.

Majority for schools.

Sec. 8. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Commissioners of Hyde County immediately after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections two and six of this act, or a synopsis of the same, shall be advertised at the court-house door in Hyde County and three other places in said graded school district; and in all other respects said election shall be held and conducted under the provisions of the law governing elections for members of the General Assembly of North Carolina, except that the Board of Commissioners of Hyde County are authorized and directed to appoint the necessary election officers, registrar and judges of election and any other officers necessary for properly conducting such election, at the same meeting at which said Board of Commissioners order such election. Those qualified voters approving the issue of bonds provided for in section two, and the levy and collection of the particular or special taxes provided for in section six of this act, shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to

issue such bonds, and to the Board of Commissioners of Hyde County authority to levy such particular or special taxes, and said board of trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said Board of Commissioners shall not have such authority: *Provided*, that the Board of Commissioners of Hyde County shall, at their first regular or special meeting after said election, canvass the returns of said election and declare the result thereof, and the results of such election, duly ascertained as above provided, shall be enrolled upon the minutes of the said Board of Commissioners of Hyde County and also upon the record of elections for said county. The election officers provided for in this act shall immediately after the said election certify to the said Board of Commissioners of Hyde County, under their hands and seal, the number of votes cast in said election "For Schools" and the number of votes cast "Against Schools," to the end that such vote may be canvassed and the result declared by said Board of Commissioners, as above provided. After thirty (30) days from the date of the enrollment of the results of such election such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular or special taxes, said Board of Commissioners shall order another election, at any time after the expiration of six months from the date of the former election, when requested to do so by said board of trustees; and if, at such election, a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held: *Provided*, that no election shall be held under the provisions of this act after the first day of June, 1904.

Commissioners to levy tax.

Proviso.

Returns, how canvassed.

Result, how declared.

Record of result not open to attack.

Proviso.

May order another election.

Six months' interim.

Proviso.

When first election may be held..

Sec. 9. That M. S. Credle, Charles Brinn, Foster Jarvis, A. Berry, B. F. McKinney, E. O. Spencer and Charles E. Cahoon shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first two of said trustees shall hold office until the first Monday in August, 1904; the next three until the first Monday in August, 1906, and the last two until the first Monday in August, 1908, and their successors, elected as hereinafter provided, shall hold for the term of two years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the other members of such board of graded school trustees, holding over, acting in conjunction with the County Board of Education of Hyde County. And for the purpose of filling such vacancies said members of the board of trustees and said County Board of Education shall meet in joint session at the first regular meeting

Board of trustees, personnel.

Tenure.

Vacancies.

How filled.

of said County Board of Education after the first Monday in July of each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said board of trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by the other members of said board of trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of Article 7, section 14 of the Constitution of this State.

Proviso.

Proviso.

Art. 7, sec. 14 Constitution.

Board of trustees incorporated.

Sec. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Swan Quarter," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break or change at pleasure.

Privileges and powers.

Duties of trustees.

Sec. 11. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district, and said board shall use and appropriate the funds derived from said particular or special taxes and from all other sources in such manner as shall be just to both races, giving each equal school facilities; due regard, however, being had to the cost of establishing and maintaining the graded schools of each race. That the board of trustees provided by this act shall have entire and exclusive control of the public schools and property in the said graded school district; shall prescribe rules and regulations for their own government and the government of the schools not inconsistent with the provisions of this act; shall employ and fix compensation of officers and teachers of the public schools; shall make an accurate census of the school population of said ditrict as required by the general public school law of the State, and do all other acts that may be just and lawful in the management of the public school interests in said district: *Provided*, that all children resident in said district between the ages of six (6) years and twenty-one (21) years shall be admitted into said schools, the white children into the schools established for the white race and the colored children into the schools established for the colored race, free of tuition charges; and those desiring admission into said schools as pay students may be admitted upon such terms as the said board may determine. The said board may admit pupils residing without the limits of said graded school district upon such terms as the said board of trustees may deem just and reasonable.

Fund to be applied justly to both races.

Trustees to have exclusive control.

Shall employ and fix compensation.

Census.

Other duties.

Proviso.

School age.

Separate schools for races.

Free tuition.

Non-resident pupils.

Sec. 12. That all public school funds derived from the State and Hyde County for the use and benefit of the public schools in said

School fund to be kept separate.

graded school district shall be kept by the Treasurer of Hyde County separate and apart from all other funds in his hands for the use and benefit of the graded public schools in said district, and by said Treasurer disbursed in the manner provided in section 7 of this act. That the property, both real and personal, of the public schools embraced within the bounds of said graded school district, whether heretofore belonging to the white or colored public schools, shall become the property of said public graded schools, and shall be vested in said board of trustees in trust for said schools, and said board may sell the same, or any part thereof, if deemed necessary or advisable, and apply the proceeds of such sale for the benefit of said public graded schools.

How disbursed, section 7.

School property.

Sec. 13. That the said board of graded school trustees shall elect annually, at least thirty (30) days before the opening of the fall term of said public graded schools, a Superintendent, who shall supervise the graded public schools of said graded school district, and exercise such other powers and discharge such other duties as said board of graded school trustees may prescribe.

Election of superintendent.

Duties of.

Sec. 14. That said board of public school trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded public schools, in addition to the text-books now provided for the public schools of the State under the provisions of chapter 1 of the Public Laws of 1901, whenever the course of studies adopted for the said graded public schools makes the adoption of additional books necessary.

Trustees to fix curriculum.

Chapter 1, Public Laws 1901.

Sec. 15. That it shall be the duty of said board of graded school trustees to make to the County Board of Education of Hyde County annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district, which report shall contain an account of the receipts and disbursements of the public school funds of said graded school district for such school year.

Trustees to make annual report.

To whom.

What to contain.

Sec. 16. That the said board of graded school trustees shall have power, in their discretion, to use the sum of ninety dollars out of the particular or special taxes levied in said graded school district for the year 1902, under an election held in said district under section 72 of the general public school law, for the purpose of paying in advance, if such payment in advance will facilitate the selling of such bonds, of the interest, for one year, on the bonds provided for in section 2 of this act.

Trustees authorized to pay $90 to facilitate purposes of this act.

Sec. 17. That a properly certified copy of this act, under seal of the Secretary of State, shall be mailed to the Board of Commissioners of Hyde County immediately after its ratification, and the election provided for in this act shall be called by the said Board

Secretary of State to certify copy of act.

Election, when called.

of Commissioners at their first session, either regular or special, after receiving such copy.

When effective.

Sec. 18. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 13th day of February, A. D. 1903.

Chapter 69.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE PAMLICO, ORIENTAL AND WESTERN RAILROAD COMPANY, CHAPTER 461, LAWS OF 1891," RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE 27th DAY OF JANUARY, 1903.

The General Assembly of North Carolina do enact:

Section 9 amended.

Section 1. That "1901" wherever it appears in section 9 of an act entitled "An act to amend the charter of the Pamlico, Oriental

1891 in lieu of 1901.

and Western Railroad Company, chapter 461, Laws of 1891," ratified January 27th, 1903, and now in the office of the Secretary of State, be strieken out and 1891 be written in lieu thereof.

Secretary of State authorized to make correction.

Sec. 2. That the Secretary of State be and he is hereby authorized and directed to strike out of said section "1901" and insert in lieu thereof "1891" in the copy now on file in his office, and have the same published so that it will read "Public Laws of 1891."

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 13th day of February, A. D. 1903.

Chapter 70.

AN ACT TO INCORPORATE THE TOWN OF WEST TARBORO, IN THE COUNTY OF EDGECOMBE.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the lands hereinafter described in the county of Edgecombe be and the same is hereby incorporated under the name and style of "The Town of West Tarboro," and as such shall have

Powers under chapter 62 Code and acts of General Assembly.

all of the rights and privileges and be subject to all the provisions of chapter 62 of The Code and the acts of the General Assembly amendatory thereof, except as is hereafter provided.

Sec. 2. That the corporate limits of said town shall include all the land embraced within the following boundaries, to-wit: Beginning at the north-west corner of the boundary line of the town of Tarboro where it intersects with the main line of the Atlantic Coast Line Railway; thence running in a southerly direction along the boundary line of the corporate limits of the town of Tarboro to the southern boundary line of the land of the West Tarboro Land and Improvement Company where said line intersects the boundary line of said town of Tarboro; thence along the line of the West Tarboro Land and Improvement Company in a westerly direction to Hendrick's Creek; then up the courses of Hendrick's Creek to the main line of the Atlantic Coast Line Railway; then with the line of the Atlantic Coast Line Railway in an easterly direction to the beginning. Corporate limits. Boundaries. Description.

Sec. 3. That the officers of said town shall consist of a Mayor and three Commissioners and a Constable, to be elected in accordance with the general laws regulating elections in cities and towns. Officers. How chosen.

Sec. 4. That until their successors shall be elected and qualified, the following persons shall be the officers of said town, to-wit: Mayor, A. M. Vandergrift; Commissioners, John W. Webb, Thurston Cross and Edwin Myres; Constable, R. L. Whitley. Temporary officers.

Sec. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law before some justice of the peace of Edgecombe County, and enter upon the discharge of their respective duties. Duty of officers. Oath to be taken.

Sec. 6. This act shall be in force from and after its ratification. When effective.

In the General Assembly read three times and ratified this 14th day of February, A. D. 1903.

Chapter 71.

AN ACT TO ESTABLISH A NEW SCHOOL DISTRICT IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That a new school district is hereby established in Yadkin Township in the county of Stokes, to be taken from what is known as Pinaele district, and said new district shall be bounded as follows: Beginning at Mt. Zion Church, thence with the Rockford Road to the foot of Childrisee's Mountain; thence with the old road over the top of said mountain to the old Holler Road; thence with the western boundary of A. C. Savage's land to his northwestern corner; thence with the boundary of his land in an eastern course to Henry Edwards' land; thence with his western boundary; School district established. Where. Boundaries. Description.

thence with his northern boundary so as to include said Edwards' land; thence to Matthew Phillips' north-western corner; thence east with his line to the Little Yadkin; thence down the Little Yadkin as it meanders to the mouth of Turkey Branch at the John Shamel line, at a cliff; thence in a straight line to the beginning.

Persons in Mickey district may attach themselves to said district.

Sec. 2. That when the school-house shall be located for said new district any one living in any portion of what is known as the Mickey district and not included in the above named boundary, may, if they wish, attach themselves to the said new district and thereafter belong to it.

Commissioners, personnel of.

Failure to serve.

Sec. 3. That D. F. Tillotson and J. W. Spainhour are hereby appointed commissioners, and in case either shall fail to serve the other shall select another suitable non-resident of said district, and in case they fail to agree they shall select a third person, who shall also be a non-resident of said district, and it shall be the duty of said commissioners to ascertain the center of said district and select a suitable and accessible site for a school-house as near the center as possible, taking in consideration its fitness and the convenience of all concerned, and shall report their proceedings to the County Board of Education at its first meeting after 1st day of July, 1903, or as soon thereafter as possible, and it shall be the duty of the County Board of Education to immediately procure the site selected, if it can be done at a reasonable price, if not, they shall have the same condemned in the manner provided by law. And it shall be the duty of said board to have erected on said site a suitable and convenient school-house by November 1st, 1903, and apportion money for said district for a school in 1903, to commence at the time fixed for other districts in the county.

School-house, where to be located.

Commissioners to make report.

Eminent domain.

School-house erected.

School term.

Powers and privileges.

Sec. 4. That said district shall have the same rights, privileges and facilities as other districts in the county have under the law.

Sec. 5. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 14th day of February, A. D. 1903.

Chapter 72.

AN ACT TO RATIFY, CONFIRM AND APPROVE THE ORGANIZATION AND INCORPORATION OF CAROLINA AND TENNESSEE SOUTHERN RAILWAY COMPANY; TO GRANT IT CERTAIN POWERS; TO AUTHORIZE IT TO BUY OR LEASE, OR TO BE LEASED BY, ANY OTHER RAILROAD OR RAILROAD COMPANY AND TO CONSOLIDATE OR TO BE CONSOLIDATED WITH ANY OTHER RAILROAD COMPANY.

Whereas, heretofore, in pursuance of the provisions of sections 1932 and 1933 of chapter 49 of The Code, A. B. Andrews, W. W. Finley, H. C. Ansley, Fairfax Harrison, Henry W. Miller, F. H. Busbee, J. S. Wynne, Joseph G. Brown, F. P. Haywood, W. W. Robards, W. J. Andrews, S. B. Patterson, A. B. Andrews, Jr., J. W. Smith, John H. Andrews, G. G. Thompson, Jr., George Little, R. L. Potts, W. T. Smith, E. H. Lee, V. E. Turner, D. E. Everitt, T. C. Sturgis, T. E. Green and G. Rosenthal executed articles of association as a corporation under the style of Carolina and Tennessee Southern Railway Company, for the purpose of constructing, maintaining and operating a railroad from the town of Franklin to the line between the States of North Carolina and Tennessee, which said articles of association were duly filed in the office of the Secretary of State on August 29th, 1902; And whereas, said Carolina and Tennessee Southern Railway Company has been duly organized under said articles of association: now, therefore, Preamble. Incorporators. Name. Purpose. Articles filed. Company organized.

The General Assembly of North Carolina do enact:

Section 1. That Carolina and Tennessee Southern Railway Company is hereby recognized as a valid and legally organized corporation, with all the rights and powers and immunities which any or all other railroad corporations may lawfully exercise under the general railroad or corporation laws of the State of North Carolina, and subject to like disabilities. Company recognized. Powers, etc.

Sec. 2. That the said corporation shall continue for a term of nine hundred and ninety-nine (999) years. Corporate existence.

Sec. 3. That the number of directors of the said corporation shall be six (6), but the directors of said corporation may increase their number. Directors, number of.

Sec. 4. That the said corporation shall have the right to construct and operate a railroad from the town of Franklin, in the county of Macon, and State of North Carolina, and running thence as nearly as the survey of a satisfactory route will permit down the valley of the Little Tennessee River, through the counties of Macon, Graham and Swain, to a point on the Tennessee line as Right to construct a railroad. Where.

near as may be to the point where the Little Tennessee River enters the State of Tennessee.

Capital stock.

Sec. 5. That the amount of capital stock shall be three hundred thousand dollars ($300,000), consisting of three thousand shares of one hundred dollars each.

Chapter 16 Code inoperative.

Sec. 6. That section six hundred and eighty-eight (688) of chapter sixteen (16) and section one thousand nine hundred and eighty

Sections of chapter 49 of Code inoperative in certain particulars.

(1980) of chapter forty-nine (49) of The Code are hereby declared inoperative, so far as they limit, restrict or make void any rights, privileges or franchises granted or assured by this act or by the general laws to said Carolina and Tennessee Southern Railway Company, or any successor thereof.

Authority to merge with other roads.

Sec. 7. That authority hereby is given to the said corporation to consolidate or merge its railroad and franchises with, or to buy or lease, or to be leased by, any railroad or railroad company or companies of this or any other State, or to consolidate or to be consolidated with any railroad company or companies owning or operating a railway in this or any other State, with which the railroad of said Carolina and Tennessee Southern Railway Company may connect,

Other companies may merge with said road.

either directly or indirectly; and any such other company shall have the right to consolidate, merge, sell or lease its railroad with or to the Carolina and Tennessee Southern Railway Company; and such consolidation, merger, sale or lease may be made between Carolina and Tennessee Southern Railway Company or any other such company upon such terms and conditions as may be agreed upon by the directors of each corporation; and on like terms and conditions the said Carolina and Tennessee Southern Railway Company may sell or lease its railroad to any other such railroad company, and power hereby is given to any other such railroad company, organized under the laws of this or of any other State, to

Proviso.

take such lease, or to make such purchase: *Provided*, that this act

Jurisdiction of State courts not affected.

shall not have the effect of ousting the jurisdiction of the courts of this State over causes of action arising within the State: *Provided*

Proviso.

further, that any and all corporations consolidated, leased or or-

Other roads when merged domesticated.

ganized under the provisions of this act shall be or shall become domestic corporations of North Carolina, and shall be subject to the

Proviso.

laws and jurisdiction thereof: *Provided*, that nothing herein con-

No merger with competing lines.

tained shall authorize the consolidation directly or indirectly of competing lines of railroad doing business in North Carolina.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 73.

AN ACT TO INCORPORATE THE SOUTHERN LIFE INSURANCE COMPANY, CONFERRING THE RIGHTS AND POWERS INCIDENT TO A LIFE AND INDUSTRIAL INSURANCE BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. That W. W. Mills, Ashley Horne, C. E. Johnson, Leo. D. Heartt, John A. Mills, Wm. Hayes, A. Thompson, M. F. Nicholson, Robert C. Strong, or any five of them, and their successors and assigns, are hereby created to be and declared a body corporate under the name and style of the "Southern Life Insurance Company," and as such may sue and be sued, plead and be impleaded, have and use a common or corporate seal, and alter the same at pleasure, and have all the powers and privileges incident to a corporation of this character. Incorporators. Corporate name. Powers and privileges.

Sec. 2. That said corporation shall have its principal office or place of business in Raleigh, Wake County, North Carolina, and shall have full power and authority to conduct its business in this and other States in the United States, in the District of Columbia, in the territories, dependencies and colonies of the United States, and in foreign countries, with such offices and agencies therein as may be determined upon or desired by the board of directors, for the purpose of conducting or carrying on all or any of the business in its various branches authorized by this act. Principal office. Branch offices.

Sec. 3. That the corporation may make by-laws and regulations, consistent with the laws of the State, for its own government, and for the due and orderly conduct of its affairs and the management of its property. By-laws.

Sec. 4. That the incorporators, or any five of them, after giving five days' notice among themselves, may open books of subscription, or may solicit subscribers to the capital stock of the corporation, at such times or places and in such manner as they may determine upon; and when the minimum amount, hereinafter set forth, of the capital stock may have been subscribed, they, or the majority of them, may call a meeting of the subscribers, giving such notice thereof as they may deem proper, not less than ten days, fixing the time and place thereof. At such meeting they may organize the corporation, elect directors, and the said directors shall elect a president, one or more vice-presidents, and from time to time such other officers, agents, servants or employees as to said directors may appear necessary for the proper management of the affairs of the corporation. Before said organization is perfected the entire management of the corporation shall be with the incorporators, Subscription books, how opened. First meeting. Officers elected. Incorporators to have charge before organization.

or such of them as may hereunder solicit subscriptions to the said capital stock.

Capital stock. Amount. Shares.

Sec. 5. That the capital stock of the corporation shall not be less than one hundred thousand dollars ($100,000) or more than two hundred thousand dollars ($200,000). The shares thereof shall not be sold for less than par in the organization of the corporation; and the board of directors may increase said capital stock not to exceed the maximum amount aforesaid, from time to time, the shares thereof in said increase to be sold for not less than par. After the expiration of two years from the date of organization the directors may decrease the amount of said capital stock to not less than one hundred thousand dollars ($100,000); but only in such manner as may be approved by the Insurance Commissioner and as may be equitable and just to the holders of the shares thereof, and ratably and proportionately the amount held by each of said holders.

To be sold at par.

Capital stock decreased.

How.

Before policies to issue $50,000 must be paid in, balance in twelve months.

How invested.

Nature of securities.

Individual bonds, etc.

Proviso.

Insurance Commissioner and directors to approve same.

Sec. 6. That before any policy or contracts of insurance shall be issued by the corporation, at least fifty thousand dollars ($50,000) of the capital stock must be paid in, and the balance thereof shall be paid within twelve months from the date of the organization. The said stock may be invested in first mortgages of real estate in this State, bonds of the United States or of any of the States whose bonds do not sell for less than par, bonds or notes of any city, county or town of this State whose net indebtedness does not exceed five (5) per cent. of the last preceding valuation of the property therein for the purpose of taxation, and in stocks or bonds not of a speculative character. In the event any of the capital stock is loaned upon individual bonds, or notes, or other commercial paper, the same shall be secured by the same class of collateral as above specified for the investment thereof: *Provided*, that it shall be necessary for the directors of the corporation, and for the Insurance Commissioner, to approve of the said investments; and the directors, or said Commissioner, may call for additional security at any time, should they deem the collateral hypothecated in any manner impaired or insufficient.

Contracts made by company.

Character of contracts.

Purpose of contract.

Sec. 7. That the company may make contracts, or issue policies of insurance upon lives of individuals, or pertaining thereto or connected therewith; execute trusts, make endowments, and grant, purchase or dispose of annuities, all under such conditions and regulations as may be adopted by the board of directors, or specified in the by-laws of the corporation, not inconsistent with law. Under like conditions and regulations it may make contracts or issue policies to the effect of assisting the sick, needy or disabled holders of such policies as particularize this class of insurance; and under policies specifying the same, to aid in defraying the funeral expenses of such deceased policy-holders, or to provide for the wants

of the widows and families after the death of the insured, and the corporation may do what is known as an industrial insurance business in all of its various branches.

Sec. 8. That the board of directors, according to the figures and estimates of a reliable life insurance actuary, and as provided by law, must set aside for the protection of the policy-holders a fully ample and sufficient reserve, which must also meet with the approval of the Insurance Commissioner of North Carolina; and said board of directors, from time to time, out of the net earnings of the corporation, may declare a dividend to the share-holders of the capital stock of the corporation, to be paid at such times and in such manner as said board may direct. Protection of policy-holders. How ascertained. Reserve. Dividend.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 74.

AN ACT TO INCORPORATE THE GOLDSBORO HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. That C. F. Herring, George C. Royall, J. E. Peterson, F. W. Farries, Solomon Weil, Theo. L. Ginn, E. B. Borden, Joe Rosenthal, B. H. Griffin, W. T. Dortch, M. J. Best, Louis N. Grant, Jos. E. Robinson, N. W. Musgrave and G. A. Norwood, Jr., and their successors be and they hereby are created a body politic corporate under the name and style of "The Goldsboro Hospital," by which name they may contract and be contracted with, sue and be sued, have perpetual succession and a common seal. As such corporation they may establish, conduct and maintain a hospital in the city of Goldsboro, for the training of nurses, for the reception and treatment of persons who may need medical or surgical attendance during temporary sickness or injury, under such rules and regulations as they may from time to time establish. Incorporators. Corporate name. Purpose.

Sec. 2. That said corporation may acquire, receive, take, sell and dispose of real and personal estate without restriction as to quantity or value thereof, which may from time to time be given, granted, bequeathed, devised or sold to it and accepted by it for the purpose and uses of said hospital: *Provided always*, that both the principal and income thereof shall be appropriated and the property held according to the terms of the donation, devise or bequest. Powers and privileges.

Sec. 3. That the persons now in charge and named as trustees of said hospital shall hold office as such trustees until the first day Temporary officers.

New officers.

of June, 1903. That during the month of May, 1903, twelve trustess, one-third of whom shall serve one year, one-third two years, and one-third three years from the first day of June, 1903, shall

When and how elected. Personnel.

be elected or appointed as follows, to-wit: Two by the Board of County Commissioners of Wayne County, two by the Board of Aldermen of the city of Goldsboro, and one by each of the white religious denominations in the city of Goldsboro.

First meeting.

Sec. 4. That at their first meeting said trustees shall divide themselves into three classes, one of which shall hold office for one

Tenure.

year, one for two years and one for three years, and the body or denomination to which said trustees belong, or by whom they were first appointed, shall elect their successors during the month of May, before their said term shall expire.

Failure to elect trustees, what to be done.

Sec. 5. That if any of said bodies or nominors shall fail or neglect to appoint or elect a trustee or trustees as herein authorized, the other trustees may appoint or elect a trustee or trustees in the place and stead of such body or nominor who failed or neglected to elect or appoint such trustee.

Vacancies.

Sec. 6. That whenever a trustee shall die, resign or refuse to act, or become incompetent to discharge the duties of his trust, a successor shall be elected or appointed by the body or nominor by which he was elected or appointed for the remainder of his term:

Failure to qualify.

Provided, however, that if such body or nominor shall fail for thirty days after notice of such vacancy, it shall be filled by the remaining trustees.

Annual election of officers.

Sec. 7. That the trustees shall annually elect at their first meeting in June a president, secretary and treasurer and such other officers as they shall deem fit.

Non-liability of trustees and members for debts.

Sec. 8. That no trustee or member of said corporation shall be personally or individually liable for the debts, obligations, contracts, engagements, acts or omissions of said corporation.

By-laws.

Sec. 9. That said trustees shall have power and shall make all such rules, regulations, by-laws and ordinances as they may deem necessary or useful for the conduct and maintenance of said hospital and the management of said hospital and the management of

Majority vote to amend.

its affairs, and may alter, amend or repeal the same by a vote of the majority of trustees present at any annual meeting. They especially shall have the power to provide and enforce regulations for

Patients in hospital.

the selection, admission, treatment and dismissal of patients, but no persons shall be refused admission or discharged or denied attendance because of inability to pay. They may prescribe the duties and services of all officers, committees and attendants.

Rules of admission to hospital association.

Sec. 10. That the trustees may provide rules for the admission of persons to an association to be organized and known as The Goldsboro Hospital Association, whose members shall each contribute

Dues $2.

not less than two dollars ($2) per annum, for the purpose of aid-

ing in the maintenance of said hospital, which dues shall be paid to the treasurer of said hospital. Said association may elect such officers, adopt such rules and by-laws as they may deem advisable, visit the hospital, advise with, aid and assist said trustees in such a manner as they may deem advisable. No assessments shall be levied upon the members of said association, trustees of said hospital, or other persons or body contributing to or assisting in the support of said hospital.

Association to elect officers.

No assessments.

Sec. 11. That the Board of Aldermen of the city of Goldsboro and the Board of County Commissioners of Wayne County are hereby authorized to annually or oftener donate money in aid of said corporation "The Goldsboro Hospital."

Aldermen and commissioners authorized to aid hospital.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 75.

AN ACT FOR THE RELIEF OF MRS. SANFORD L. ROTTER, FORMERLY MISS HESTER BEASLEY, A SCHOOL-TEACHER FOR SCHOOL DISTRICT No. 8, FOR WHITES, IN DUTCHHILL TOWNSHIP, GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the treasurer of the county school fund of Granville County be and he is hereby authorized and directed to pay to Mrs. Sanford L. Rotter, formerly Miss Hester Beasley, the sum of thirty dollars out of any unapportioned school fund of said county, balance due her for services as public school-teacher of School District No. 8, for whites, Dutchhill Township, Granville County.

Treasurer of school fund of Granville county directed to pay Mrs. Rotter $30 for services as school-teacher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 76.

AN ACT AUTHORIZING THE TREASURER OF DAVIE COUNTY TO PAY CLAIMS HELD BY PERSONS AGAINST THE SCHOOL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Treasurer of Davie county directed to pay claims against school fund.

What year applicable.

Vouchers, how made out.

Section 1. That John W. Etchison, Treasurer of Davie County, be and he is hereby authorized and directed to pay out of the public school funds of said county all sums of money due persons holding claims against said school fund for the year ending June 30th, 1901, and June 30th, 1902, upon presentation to him of vouchers properly signed as required by section 48, chapter 4 of the Public Laws of 1901.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 77.

AN ACT FOR THE RELIEF OF MRS. ELLA CHANDLER, FORMERLY MISS ELLA SANFORD, TO PAY A BALANCE OF $20 DUE HER FOR SERVICES AS TEACHER OF SCHOOL DISTRICT No. 4, FOR WHITES, IN HOLLOWAY TOWNSHIP, PERSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Treasurer of Person county authorized to pay Mrs. Chandler $20 for services as teacher.

Section 1. That the treasurer of the county school fund of Person County is hereby authorized and directed to pay to Mrs. Ella Chandler, formerly Miss Ella Sanford, the sum of twenty dollars, balance due her for services as teacher of a public school in District No. 4, Holloway's Township, Person County (for the white race), said sum to be paid out of any unapportioned school fund in said county.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 78.

AN ACT FOR THE RELIEF OF MARY JANE WATKINS (COL.), A PUBLIC SCHOOL-TEACHER OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Anson County be and is hereby authorized and required to pay to Mary Jane Watkins (col.), or the holder of a certain voucher drawn in favor of the said Mary Jane Watkins and signed by School Committeemen A. J. Allen and W. L. Spencer, for services rendered as teacher, out of any school fund now due or hereafter to become due District No. 3 for colored race, Lilesville Township, Anson County, the sum of ten dollars: *Provided*, this claim shall not be paid unless the Superintendent of Public Instruction of said County Board of Education of said county deems the said claim just and recommends its payment.

Treasurer Anson county directed to pay Mary Jane Watkins (col.) $10.

Proviso, superintendent public instruction to pass on claim before payment.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 79.

AN ACT FOR THE RELIEF OF MISS JULIA HOWARD.

The General Assembly of North Carolina do enact:

Section 1. That the treasurer of the county school fund of Person County be and is hereby authorized to pay Miss Julia Howard, out of any unapportioned school fund in his hands, the sum of thirteen dollars and fifty cents ($13.50), balance due her for services as teacher in White School District No. 2 of Mt. Tirzah Township, Person County.

Treasurer of school fund of Person county directed to pay Miss Howard $13.50 for services as teacher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 80.

AN ACT TO ALLOW THE CITY OF GREENSBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the city of Greensboro is hereby authorized and empowered to issue bonds in the name of the city of Greensboro in such denominations and forms as it

Aldermen authorized to issue bonds.

Denomination of.

Amount of.

may determine, to an amount not exceeding two hundred and fifty thousand dollars ($250,000), payable at such times and such places as the Board of Aldermen may prescribe: *Provided*, that the time and payment of such bonds shall be not less than thirty (30) and not more than fifty (50) years from their date.

Proviso.

When redeemable.

Rate of interest.

Sec. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be made payable annually or semi-annually, as the Board of Aldermen may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

When payable.

To be sold at par value.

Bonds, how executed.

Style of.

Sec. 3. That said bonds shall be signed by the Mayor, attested by the City Treasurer and sealed with the corporate seal of the city, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the Board of Aldermen, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation, which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose, and it shall be the duty of the City Treasurer as said coupons are paid off and taken up to cancel same and report not less than twice a year to the Board of Aldermen the numbers and amount of the coupons so cancelled.

Receivable for taxes.

Payment of bonds, special tax.

Taxes not to be used for other purposes.

City treasurer to make report.

Bonds not to issue or tax levied or collected until majority of voters determine.

Election.

Notice of.

Sec. 4. That the Board of Aldermen shall not issue said bonds nor any of them, nor levy nor collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of said city at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty (20) days in some newspaper published in the said city; and at said election or elections those favoring the issue of said bonds or of any of them as specified in the call of such election or elections and the levy and collection of the tax for the payment of said bonds and coupons, shall vote "Issue," and those opposing it shall vote "No Issue": *Provided*, that the said board may in its discretion order an entirely new registration of voters.

Ballots.

Proviso.

Registration.

Election, when called.

Sec. 5. That said board may call an election under this act at any time it may see fit, after giving proper notice; and the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same or other propositions to the said voters at any other time that the Board of Alder-

men may appoint, and that the Board of Aldermen may continue to call elections under this act until the whole amount of two hundred and fifty thousand dollars ($250,000) shall have been issued. Second election.

Sec. 6. That the said bonds may be issued for the purpose of maintaining, extending, enlarging and operating a water-works plant to furnish water for the use of the city and its citizens; to build, construct, enlarge and maintain a sewerage system; and to grade, curb, macadamize, pave and improve the streets of the city: *Provided, however,* that the said board shall in the resolution calling the election and in the notice to the people of the said election state the maximum amount of bonds to be issued under said election and the purpose or purposes for which the said bonds are to be issued, specifying the maximum amount to be used for each purpose, and the bonds shall be used for no other purpose than that specified as aforesaid: *Provided,* that the purchasers of said bonds shall not be required to see to the application of the purchase money. Purpose of bond issue—water-works, sewerage, streets. Proviso. Resolution calling election, what to state. Purchasers of bonds not required to see to the application of purchase money.

Sec. 7. That the city of Greensboro shall have power to acquire and hold rights of way, easements, water rights and other property within and without the city limits; shall have power to run its pipes under and along the public roads and avenues of the county, and shall have power to condemn and take rights of way, easements, water rights and other property within and without the city limits for the purpose of getting a pure and adequate supply of water, and of properly disposing of the sewerage. That the proceedings in condemnation shall be conducted as is now or may hereafter be prescribed in the charter of the city for the condemnation of land and other property for street purposes. Power to acquire right of way, etc., property. Power to lay pipes. Eminent domain.

Sec. 8. That the city of Greensboro, through its proper officers and agencies, as provided in its charter, shall have entire supervision and control of any and all of the plants and works established under this act, and shall have power to protect all of its rights of way, easements, water rights and other property by proper ordinances, and shall do all other proper things to carry into effect the true intent of this act. Control of plants and properties.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 81.

AN ACT TO AMEND CHAPTER FIFTEEN (15) OF THE PRIVATE LAWS OF 1881.

The General Assembly of North Carolina do enact:

Section 1, chapter 15, Private Laws 1881 amended.

Section 1. That section one (1) of chapter fifteen (15) of the Private Laws of eighteen hundred and eighty-one (1881) be amended by inserting after "college," in line six (6) of said section, the clause: "and J. A. Hirth of Washington, D. C., G. E. Long, J. F. Hunsucker, Jonas Hunsucker, Franklin Dellinger, H. B. Hemmeter, J. M. Smith, W. Perry Smyer, J. A. Yaunt and Jones C. Yaunt of Conover, N. C., Elijah Coyner and Theodore Coyner of Waynesboro, Va., H. B. Dreyer of Baltimore, Md., H. H. Niemann of Pittsburg, Pa., and F. Kuegle of Koiner's Store, Va., duly appointed and elected to said board from time to time since the eleventh day of February, 1881, are hereby declared the proper successors of the original corporators under this act."

Personel of the proper successors of incorporators.

Section 2 amended.

Sec. 2. That section two (2) of said chapter be amended by striking out all of said section after the word "by," in line four (4) of same, and inserting in lieu thereof the words "The Evangelic Lutheran Synod of Missouri and other States."

Name in lieu.

Section 4 amended.

Sec. 3. That section four (4) of said chapter be amended by striking out the clause between the word "purposes" in the fourth line, and the word "and" in the seventh line of said section.

Section 6 amended.

Sec. 4. That section six (6) of said chapter be amended by inserting between the word "aforesaid" and the word "and" in the fourth line thereof, the words "may borrow money for the benefit of said college," and between the word "exchange" and the word "or" in the fourth line thereof, the word "mortgage"; by striking out the words "of said" at the beginning of line five (5) of said section and inserting between the word "property" and the word "in" in same line, "the qualifying clause acquired in any manner."

May borrow money.

Mortgage.

Property.

Section 7 amended.

Sec. 5. That section seven (7) of said chapter be amended by striking out all of said section after the word "same" in the fifth line thereof.

Section 8 amended.

Majority in lieu of three.

Sec. 6. That section eight (8) of said chapter be amended by striking out the word "three" in the first line of same and inserting instead the words "a majority."

Section 9 amended.

Revert in lieu of overt.

Sec. 7. That in lieu of the word "overt" in the sixth line of section nine (9) of said chapter, the word "revert" be inserted.

Sections 10, 11 and 12 repealed.

Sec. 8. That sections ten (10), eleven (11) and twelve (12) of said chapter be repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 82.

AN ACT FOR THE RELIEF OF MISS NANNIE TANNER, SCHOOL-TEACHER, OF RUTHERFORD COUNTY.

Whereas, Miss Nannie Tanner taught a public school in District No. 4 of Rutherford County in the year 1902; and Preamble. A school-teacher.

Whereas, there still remains due to the said Miss Nannie Tanner for teaching said school the sum of $9.50: now, therefore, Balance due.

The General Assembly of North Carolina do enact:

Section 1. That the School Committee of said District No. 4, in Township No. 4 of Rutherford County, be authorized and required, and said committee is hereby authorized and required to draw an order on the County Treasurer of Rutherford County in favor of the said Miss Nannie Tanner for the sum of $9.50, to be paid out of any money now on hand or which may hereafter be placed in said Treasurer's office to the credit of said school district. School committee of District 4, Township 4, Rutherford county, to issue order on treasurer in favor of Miss Tanner for $9.50.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 83.

AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN AND CHAPTER TWO HUNDRED AND FIFTEEN OF PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-eight of Private Laws of one thousand eight hundred and ninety-seven be and the same is hereby amended by striking out the word "twenty" after the word "exceeding" and before the word "thousand" in line seven of section one of said chapter, and substituting therefor the word "thirty"; and by striking out the words "sixty-six and two-thirds" before the word "cents" in line four from the bottom of section four of said chapter, and substituting therefor the words "one hundred"; and by striking out the word "two" after the word "exceeding" and before the word "dollars" in line three from the bottom of section four of said chapter, and substituting the word "three." Chapter 88, Private Laws 1897 amended. Section 1, "thirty" in lieu of "twenty." Section 4, "100" in lieu of "66⅔." "Three" in lieu of "two."

Sec. 2. That chapter two hundred and fifteen of Private Laws of one thousand eight hundred and ninety-nine be and the same is Chapter 215, Laws 1899 amended.

"One hundred" in lieu of "66⅔." hereby amended by striking out the words "sixty-six and two-thirds" after the word "exceed" and before the word "cents" in line nine of section thirty of said chapter, and substituting therefor the words "one hundred"; and by striking out the word "two" after the word "and" in line ten, and before the word "dollars" in line eleven of section thirty of said chapter, and substituting therefor the word "three."

"Three" in lieu of "two."

Repealing clause. Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 84.

AN ACT TO INCORPORATE THE TOWN OF "RHODHISS," IN THE COUNTY OF CALDWELL.

The General Assembly of North Carolina do enact:

Rhodhiss incorporated. Section 1. That the town of "Rhodhiss," in the county of Caldwell, be and the same is hereby incorporated and made a municipal

Name. corporation by the name and style of Rhodhiss, with all the powers,

Powers of chapter 62 of Code. rights and privileges conferred upon towns and cities by chapter 62 of The Code of North Carolina, not inconsistent with the special provisions of this act.

Corporate limits. Sec. 2. That the corporate limits of the said town shall be as follows: Lying and being in the county of Caldwell and in Lovelady Township, on the north side of the Catawba River, beginning

Description. at Mull's corner on the north bank of the Catawba River, and runs with said Mull's line to the track of the Carolina and Northwestern Railroad; thence in a northern direction with said railroad to Icard's line; thence west, south and west with three of his lines to Ferguson's line; thence with Ferguson's line to the Catawba River; thence down said river to the beginning, comprising and including all the lands belonging to the Rhodhiss Manufacturing Company, on the north side of the said Catawba River.

Officers. Sec. 3. That the officers of the said town shall consist of a Mayor and three Commissioners and a Constable or Marshal, and such policemen as in the judgment of the Mayor and Commissioners may be necessary for the preservation of the peace and good order of the said town; the said Commissioners are hereby author-

Mayor, clerk and treasurer pro tem. ized to appoint a Mayor *pro tempore* and a Clerk and Treasurer, each of whom may also be one of the Commissioners.

Temporary officers.

Sec. 4. That upon the taking effect of this act the following named persons shall fill the said offices of Mayor and Commissioners, to-wit: Mayor, C. J. Rhodes; and Commissioners, G. D. Huss, S. L. Thompson and W. L. Coffey, who shall hold and exercise their respective offices until their successors shall be elected and qualify. That the Marshal or Constable and policemen shall be elected by the Commissioners, and shall hold office during the pleasure of the Commissioners. That in the event of a vacancy occurring in the office of Mayor or Commissioner, by death, resignation or otherwise, the Commissioners shall elect to fill the unexpired term of said office, and their appointee shall hold office until his successor shall be elected and qualify.

Personnel.

Peace officers.

Vacancies.

Election of officers, when held.

How conducted, chapter 514, Laws 1901.

Sec. 5. That an election shall be held on the 1st Monday in May, 1905, and on the 1st Monday in May at intervals of every two years thereafter, for the said offices of Mayor and Commissioners, under the provisions of chapter 514 of the Laws of 1901, which shall be applicable to all elections held in said town.

Commissioners to levy tax.

Amount, property and poll.

License tax.

Section 3, Art. 5, Constitution.

Street work.

Sec. 6. That said Commissioners are authorized to levy a tax rate in said town which shall not exceed twenty-five cents *ad valorem* tax on the one hundred dollars worth of property and seventy-five cents on each taxable poll. The Commissioners may also levy license or occupation taxes upon the subjects mentioned in section 3 of Article 5 of the State Constitution, as may be just and reasonable. All persons in said town subject to the duty of working on the public roads shall work out their time on the public streets and highways of the said town, and shall not be subject to road duty elsewhere.

Manufacture and sale of liquor prohibited, where.

A misdemeanor.

Penalty.

Sec. 7. That the manufacture or sale of spirituous, vinous or malt liquors is prohibited within the limits of the said town, or within four miles thereof; and any person manufacturing or selling such liquors in said town or within four miles thereof shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

The mayor a justice of the peace.

Section 907 Code.

Removal of cause.

Sec. 8. That the Mayor of said town shall have the criminal jurisdiction of a justice of the peace as to all offenses committed within the limits of said town; that section 907 of The Code, providing for removals from one justice of the peace to another shall not be applicable to the Mayor of said town.

Ordinances.

Sec. 9. That the Commissioners shall have the power to pass all such ordinances as may be necessary for the peace, health and good order of said town, and enforce the same by suitable penalties.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 85.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD.

The General Assembly of North Carolina do enact:

Corporate name changed.

Section 1. That the corporate name of said town, viz., "The Commissioners for the Town of Concord," be and the same is hereby changed to the "City of Concord," but the change of said name shall not affect past contracts, obligations or ordinances, or rights under the old charter or amendments to same.

Change not to affect vested rights.

Corporate limits.

Description of

Sec. 2. That the corporate limits of said "City of Concord" shall be as follows: Beginning at a post on old corporation line on west side of South Union street, and runs with old line N. 48 E. 1,030 feet to a post; thence north 19¾ W. 3,990 feet to a post on north edge of Mount Pleasant Road; thence north 31¾ W. 2,286 feet to a post on north edge of East Depot street; thence N. 46 W. 3,877 feet to a stake on south edge of St. Charles street; thence N. 69½ W. 2,371 feet to a post on old corporate line in east edge of North Church street; thence with east edge of said street N. 42½ W. 329 feet to a post opposite center line of Cemetery Alley, S. 58½ W. 2,536 feet to a post in mining land; thence S. 16½ E. 196 feet to a post; thence a line in Jones street S. 74 W. 1,070 feet to a stake in the main line of the Southern Railway Company, where the Montgomery Branch runs under it; thence S. 55¼ W. 612 feet to a post on east side of the Stricker Branch and north edge of the old Beatty's Ford Road; thence S. 14½ E. 1,384 feet (passing just west of east pier of bridge over branch) to a post in old corporate line; thence the old lines as follows: S. 48 W. 976 feet to old corner; thence S. 42 E. 11,814 feet to a post the old corner; thence N. 48 E. 4,154 feet to the beginning. That the territory herein added to the old corporate limits by this act shall be and constitute a part of Ward 2 of said city.

New territory a part of ward 2.

Eminent domain.

Sec. 3. Whenever in the opinion of the Aldermen of said city it is necessary to take or condemn private property for a street, sidewalk, or other purposes of said city, the same may be taken under the plan set forth in chapter 232 of the Public Laws of 1891, but said freeholders selected to assess the damages and benefits shall go upon the premises or property condemned after the completion of the work to be done as soon as practicable, and in making their report to said city they shall estimate the damages in one item and the benefit to the owner in another item and subtract the less from the greater, and the difference shall be the verdict; and if the benefit to the property owner is greater than the damages, the same shall be a lien on the premises adjoining the property

Chapter 232, Laws 1891 to govern.

Assessors to make report.

Verdict.

Lien on premises.

taken, and the same may be enforced by an action in the Superior Court of Cabarrus County. How enforced.

Sec. 4. No street or sidewalk shall be opened, widened or located until the same has been surveyed by the City Engineer, and whenever the said survey is adopted by the Board of Aldermen of said city the land described in said survey is thereby condemned for the use of said city for streets, sidewalks or other purposes. Any person hindering, delaying or obstructing the City Engineer in making said survey, or any person hindering, delaying or obstructing the opening, widening or relocating any street or sidewalk after the same has been condemned by the said city, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty of fifty dollars. Streets and sidewalks. City engineer not to be interfered with. A misdemeanor. Penalty.

Sec. 5. That the Commissioners or Board of Aldermen of said city shall have the power, and it shall be their duty, to provide for lighting the streets and public buildings of said city and to contract for and pay for same. Lighting of public buildings and streets.

Sec. 6. That the Board of Aldermen of said city shall have the power, and it shall be their duty, to prohibit all trades or occupations which are a nuisance from being carried on in said city; they shall have power, and it shall be their duty, to cause all ponds and sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier the expenses as above, which expenses shall be a lien on the lot: *Provided*, the owner or occupier of said lot, after twenty days' notice, shall have neglected or refused to abate said nuisance. They shall have further power to cause all nuisances arising from any case within or without the corporate limits of said city, but sufficiently near to affect the health of the inhabitants thereof, to be removed or abated, and for the removing or abating any such nuisance within the said city to be paid out of any moneys in the treasury. Nuisances, aldermen to define. Ponds. Proviso. Notice to abate nuisance. Nuisances outside of limits.

Sec. 7. Any person who, after five days' notice from the sanitary policeman, the Mayor or Board of Aldermen to abate any nuisance within the city limits, or within one mile thereof, shall continue or maintain the same, shall be guilty of a misdemeanor, the punishment of which, for each day's continuance of the nuisance, shall be a fine or imprisonment, to be fixed by the ordinance of the city. The board may also, by ordinance, impose a penalty not to exceed fifty dollars. Failure to abate nuisance after notice a misdemeanor. Penalty.

Sec. 8. That the ordinances now in force in the city of Concord, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city. The Mayor shall have criminal jurisdiction over all offenses and violations of ordinances committed within one mile outside of said limits to the same extent and in like manner as he now has over Ordinances. Criminal jurisdiction, one mile from limits.

offenses and violations of ordinances within the corporate limits.

Police authority same.

That the policemen of said city shall have power and authority to execute all civil and criminal processes within one mile outside of said limits to the same extent and in like manner as they now have within the corporate limits.

Fire limits.

Sec. 9. That no wooden building or other structure within the fire limits of said city shall be covered, altered or repaired without the consent of the Commissioners or Board of Aldermen of said city.

Fee for policemen in criminal actions.

Sec. 10. That the Mayor of said city shall, when a defendant is tried before him for violating any ordinance of the said city, charge in the bill of costs for the policemen making the arrest the same fees allowed sheriffs, and said fees when collected shall be paid to the policeman making the arrest, monthly, or as the costs are collected, as part payment of the salary agreed to be paid by said city to said policeman, and should the costs earned by any policeman in one month exceed the salary agreed to be paid him, such excess shall be paid into the general fund of said city.

Part of salary.

Cost in excess of salary.

Surface privies, how regulated.

Sec. 11. The said city of Concord shall have the right to pass ordinances prohibiting the use of surface privies within the said city limits, or they may permit the use by the owner, occupant or user of same paying an annual tax to said city not to exceed one dollar for each privy. Said tax to be kept separate and apart from all other funds of said city and used by said city for the purpose of cleaning and keeping said privies in a sanitary condition at all times. And if said tax amounts to more than is necessary for said purpose, the excess thereof shall be paid into the general fund of said city.

A separate fund, taxes from.

Salaries of policemen.

Sec. 12. That the Commissioners of said city or Board of Aldermen shall have the right to increase the salaries of the policemen to a sum not exceeding sixty dollars per month.

What offices may be held by one person.

Sec. 13. That the office of Clerk and Treasurer of the city of Concord, the office of clerk and treasurer of the school board of said city, and the office of clerk and treasurer of the board of water commissioners of said city may be held by one and the same person as said board may elect.

Power to collect license taxes.

Sec. 14. That the said city of Concord, in addition to other things now authorized in its charter and amendments thereto, shall have the right to levy and collect the following amounts for the privilege of doing the acts or carrying on the trades or business or exercising the privileges as follows:

Organ-grinders.

On all organ-grinders, a tax not exceeding ten dollars.

Sign-posters.

On all bill or sign-posters, or all distributers of advertisements not connected with home industries, a tax not to exceed ten dollars.

Agents.

On all agents selling pictures, maps, books or other merchandise from house to house, or from person to person, a tax not exceeding twenty-five dollars per annum.

Itinerant oculists, medical specialists.

On all itinerant oculists or medical specialists who travel from town to town, an annual tax of not more than fifty dollars and not less than twenty dollars per annum.

Express companies.

On all express companies, an annual tax of not more than one hundred dollars and not less than fifty dollars per annum.

Fire-works.

On all dealers in or venders of fire-works, an annual tax of not less than two hundred dollars and not more than five hundred dollars.

Brokers, futures, etc.

On every broker, board of trade or exchange dealing in cotton or grain futures, flour, coffee or meat futures, or futures of any other commodity of value, shall pay a license tax of one hundred dollars per annum.

Auctioneers, horses.

On all public auction sales of horses, a license tax of twenty dollars per day.

Boot-blacks.

On all boot-blacks, a monthly tax not to exceed two dollars.

Auctioneers.

Each and every auctioneer shall pay a license tax not to exceed ten dollars per annum, and shall take a receipt therefor before exercising the duties as such in the form of a license, and no other person shall be allowed to sell under an auctioneer's license.

Bakers.

On every baker, an annual tax not to exceed fifteen dollars per annum. Every person who shall manufacture and sell any bread, pies, cake or the like, shall be deemed a baker.

Barber shops.

Each barber shop, for the first chair an annual tax not to exceed five dollars, and for each additional chair an annual tax not to exceed two dollars and fifty cents.

Hacks.

On every two-horse carriage or hack, running to the depot or elsewhere for reward, an annual tax not to exceed ten dollars. On every one-horse carriage or hack running to the depot for reward, an annual tax not exceeding five dollars, except those covered by livery license.

Exception.

Drays.

On each public dray or wagon when drawn by one horse, an annual tax not exceeding ten dollars; when drawn by two horses, an annual tax not exceeding twenty dollars. And every such vehicle shall be numbered, under the direction of the chief of police, with the number of the license in plain and distinct figures. Every wagon hauling in the city limits for reward shall be considered a dray.

Vehicles to be numbered.

Electric light company.

On every electric light company, an annual tax not exceeding one hundred dollars.

Fertilizers.

On every dealer in fertilizers, an annual tax not exceeding twenty-five dollars.

Fruit stands, vegetables.

On each owner of a fruit and vegetable or candy stand, an annual tax not exceeding ten dollars.

Fish and oysters.

On dealers in fish and oysters, an annual tax not exceeding twenty-five dollars each.

Gas companies. On each gas company, an annual tax not exceeding one hundred dollars.

Gas-fitters and plumbers. On every gas-fitter and plumber, an annual tax not exceeding fifty dollars. Any person may carry on the business of a gas-fitter and plumber under the same license.

Gift enterprises. On all gift enterprises or persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement to buy, shall pay a tax not exceeding fifty dollars. Show houses where prizes are offered to induce the purchase of tickets of admission, to pay an annual tax not exceeding twenty-five dollars for each exhibition.

Show houses where prizes are offered.

Dealers in hides, furs, etc. On all dealers in hides, furs, bones, etc., an annual tax not exceeding ten dollars.

Ice-cream. On all ice-cream dealers, an annual tax not exceeding five dollars.

Job printing. On every job-printing office, an annual tax not exceeding five dollars.

Lightning rods. On every itinerant who deals in or puts up lightning-rods, ten dollars per month or less time.

Renovating feathers. On every itinerant who deals in renovating feathers, a tax not exceeding ten dollars per month or less time.

Street stands, lemonade, water-melons, etc. On every street stand to sell lemonade, ice-cream, water-melons, fruits or sandwiches on public occasions, a tax not exceeding ten dollars for the first day and one dollar for each succeeding day.

Loan offices. On all persons or corporations who conduct so-called loan offices or who carry on a business of loaning money on such personal property, security of watches, jewelry and household and kitchen furniture, by pledge or otherwise, shall pay a license tax not exceeding two hundred dollars.

Oils. On every agent or broker for the sale of kerosene or other oil, an annual tax not exceeding two hundred dollars. On lubricating oils, an annual tax not exceeding fifty dollars.

Peddling oils. On every person peddling oils, an annual tax not exceeding twenty-five dollars.

Omnibus. On every omnibus, an annual tax not exceeding ten dollars.

Photographers, etc., exhibiting. On every exhibitor of photographs, kinteographs, or like exhibitions, a tax not exceeding five dollars per week.

Photographers, taking. On every taker of likenesses, of whatever art, an annual tax not exceeding forty dollars.

Engineers, surveyors, real estate agents, brokers. On every civil engineer or surveyor, real estate agent or broker, shall pay a license tax not exceeding fifteen dollars per annum.

Railroad companies. On every railroad company the agent shall pay a license tax of one hundred dollars.

Itinerant venders of specifics or itinerants making prescriptions. On every itinerant vender of specifics, or itinerants making prescriptions, or applications, or administering medicines or drugs for diseases, shall pay a license tax not exceeding fifty dollars per week.

On every stallion or jack standing in the city, an annual tax not exceeding twenty-five dollars. The city reserves the right to remove him or them at any time for a nuisance. Stallions and jacks.

On all manufacturers of soda-water, bottlers, an annual tax not exceeding twenty-five dollars. Soda-water, bottlers.

On every soda and mineral water fountain, an annual tax not exceeding five dollars. Soda and mineral waters, fountains.

On all undertakers who carry a stock over one hundred dollars, an annual tax not exceeding twenty-five dollars; under one hundred dollars, an annual tax not exceeding ten dollars. Undertakers.

On all veterinary surgeons, an annual tax not exceeding ten dollars. Veterinary surgeons.

That upon every person, firm or corporation who issues or sells to merchants or manufacturers any trading stamps or other devices to be redeemed by the person issuing, giving away or selling the same, an annual license tax not exceeding one hundred dollars. Trading stamps.

On every exhibition of animals for reward, an annual tax not exceeding twenty-five dollars. Exhibition of animals.

On every dog kept within the corporate limits of said city, an annual tax of one dollar; and on every open female dog, an annual tax not exceeding two dollars per annum; and said city, through its Commissioners or Board of Aldermen, may prescribe by ordinances, rules and regulations for enforcing the payment of said privilege tax. Dogs.

Sec. 15. Any person or persons, bodies politic or corporate wishing to carry on any of said business or do any of the acts named, or enjoy any of the privileges mentioned, shall before doing so apply to the City Tax Collector for a license so to do, and shall receive the same by paying the tax designated for such calling, privilege or right. Any violations of this section shall be deemed a misdemeanor, and subject the offenders to a penalty of fifty dollars, or imprisonment thirty days for each offense, upon conviction thereof before the Mayor of said city, and be liable for double taxes. Licenses, how, when and from whom obtained. A misdemeanor. Penalty. Double taxes.

Sec. 16. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

Sec. 17. This act shall go into effect from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 86.

AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE TOWN OF CONCORD TO CONTRACT FOR LIGHTS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Petition of twenty citizens asking for lights.

Section 1. That whenever twenty citizens of said town shall apply to the Commissioners for the town of Concord by a written petition asking said Commissioners to light the streets and public buildings of said town, then it shall be the duty of said Commissioners to order an election to be held in said town, under the general election law, at which election those in favor of lights shall vote a written or printed ticket on which shall be the word "Lights," and those opposed to lights shall vote a written or printed ticket on which shall be the word "Darkness." That said election shall be advertised by said Commissioners for thirty days prior to the day of election in some newspaper published in said town.

Duty of commissioners. To call election.

Ballots.

If majority vote for lights.

Sec. 2. If a majority of the qualified voters of said town shall vote "Lights," then said Commissioners shall have full power and authority to contract for such lights, and in such quantities and upon such terms as said Commissioners may deem to the best interest of said town, for a period not exceeding twenty years, or said Commissioners shall have the right to erect or purchase a plant for lighting said town and public buildings and operate the same.

Commissioners may contract for lights or erect plant.

Commissioners to levy tax to meet expense, poll and property.

Sec. 3. If said Commissioners shall make the contract mentioned in section 2 of this act, or erect or purchase a plant for lighting said town and public buildings, then said Commissioners for the town of Concord are hereby authorized to annually compute and levy, at the time of levying other taxes of said town, a sufficient tax upon all polls, and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Concord, and acts amendatory thereto, with which to regularly and promptly pay for said lights, always observing the constitutional equation between the tax on property and the tax on polls; said tax shall be collected in the same manner and at the same time the other taxes of said town are collected, and said costs shall be paid out of the general fund for said town: *Provided, however,* that said Commissioners shall not have the power to increase the rate of taxation for general purposes as now allowed by the charter of said town or amendments thereto.

Purpose of tax.

Tax, how collected.

Proviso, tax rate for general purposes not to be increased.

If majority fail to vote for lights.

Sec. 4. That if at said election a majority of the qualified voters shall fail to vote for lights, then at any time thereafter within six months, if another petition signed by twenty citizens of said

Second election in six months.

town shall be presented to said Commissioners they shall order another election to be held as provided by this act.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 87.

AN ACT FOR THE RELIEF OF ANNIE B. WHITTED.

The General Assembly of North Carolina do enact:

Section 1. That the treasurer of the county school fund of Person County be and he is hereby authorized to pay Annie B. Whitted out of any unapportioned school fund in his hands the sum of twenty-eight dollars ($28), balance due her for services as teacher Colored District No. 4, Olive Hill Township, Person County.

Treasurer of school fund of Person county to pay Annie B. Whitted $28.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 88.

AN ACT TO CORRECT STATE GRANT No. 479.

The General Assembly of North Carolina do enact:

Section 1. That State grant number four hundred and seventy-nine (479) for Yancey County, from the State of North Carolina to David Ballew, dated January 9, 1845, be and the same is hereby corrected as follows, to-wit: After the call in said grant "N. 10 E. 170 poles to a stake," and before the call "thence to the beginning," strike out "S. 25 W.," and insert in lieu thereof the words "E. 160 poles to a stake."

State grant 479 Yancey county to David Ballew corrected.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 89.

AN ACT TO INCORPORATE THE BANK OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Dennis S. Biggs, Joseph G. Godard, Wheeler Martin and Salmon Godard, and their present and future associates, successors and assigns, be and they are hereby constituted, created and declared to be a body politic and corporate under the

Corporate name.

name and style of "The Bank of Martin County," and shall so con-

Corporate existence. Powers.

tinue for a period of thirty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in the corporate name; to take, hold, buy, sell, lease and exchange and convey real and personal estate, and to conduct, transact and carry on in

Privileges.

its full scope and import a general banking business, with all the powers, rights, privileges and immunities hereby specially granted,

Chapter 4, Vol. II, Code.

and in addition those contained in chapter four (4), Volume II (2) of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

Capital stock.

Sec. 2. That the capital stock of said bank shall be twelve thousand dollars in shares of one hundred dollars each, with liberty

How increased.

to the stockholders or a majority of them to increase said capital

Proviso, to begin business on $6,000.

stock from time to time to fifty thousand dollars: *Provided*, said bank shall not be authorized to begin business until six thousand dollars has been subscribed and paid in on the capital stock of said bank.

Principal office.

Sec. 3. That the office and place of business of said banking company shall be in the town of Williamston, State of North

Officers.

Carolina, and its officers shall consist of a president, vice-president and cashier, and board of not less than three (3) nor more than nine (9) directors, who are to be elected annually by the stock-

Directors.

holders. The directors so elected to choose the officers aforesaid, and shall require the president and the cashier to give bond with approved security for the faithful performance of their respective duties.

Directors, by-laws.

Sec. 4. That it shall be the duty of the board of directors, and they are hereby fully empowered to make rules, regulations and by-laws for the government of said corporation and for the conduct of its

Vacancies.

business; also to fix the salaries of its officers and to fill vacancies on the board of directors; said board of directors shall be chosen by a majority of the corporators named herein at the first meeting to be called by them, which said board of directors shall hold office for one year and until their successors are duly elected, a

Quorum.

majority of said board to constitute a quorum for the transaction of business.

Sec. 5. That the said company shall have the right to do a general banking business; to receive deposits; to make loans and discounts; to obtain and procure loans for any other person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise on any lands, hereditaments, or personal property or interest therein of any description, situated anywhere; to lend money upon or purchase, or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate allowed by law. Nature of business.

Sec. 6. That said company may subscribe to, purchase, acquire or lend money upon any stock, share, note, debenture or other securities of any government, State, municipality, corporation, company, partnership or person, and to hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person shares, stocks, debentures, notes, mortgages or other securities, without guarantee or collateral obligation by this company; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it to any corporation for any of its bonds, securities, obligation of capital stock as may be agreed upon without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. Nature of business. May subscribe to bonds, etc.

Sec. 7. Be it further enacted, that said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums and at such times and on such terms as the board of directors may agree upon, and when married women, minors or apprentices deposit money or other things of value in said bank either generally or specially to their own credit, they or any of them may draw the same out on their check or order and be bound thereby; and such minor, married woman or apprentice shall be bound by said individual check or order, and said check or order shall be a valid and sufficient release to said corporation against said minors, married women or apprentices, and all persons whatsoever. To receive deposits. Married women and minors.

Sec. 8. That said company shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed on in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, town, municipality, corporation, company or person, bonds, certificates of stock, or any description Right to act as agent, trustee or factor. Commissions.

of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premiums, commissions or rates of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

To receive funds on trust or execute any trust.

Sec. 9. That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept and grant, assign, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this State, and then to execute the same on such terms as may be established and agreed upon by its board of directors; and said corporation is hereby

Trustee or assignee.

fully authorized and empowered to act as trustee or assignee and to receive on deposit all funds in litigation in the various courts of the State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority

Personal property for safe-keeping.

to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposits until paid, and generally to do and carry on the business of a safety, deposit and trust company.

To guarantee payment of dividends, etc.

Sec. 10. That said company is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness of any person, partnership or corporation, for any price and in any consideration agreed on.

Savings bank.

Sec. 11. That this company is specially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, the limit to be fixed by the board of

Interest paid on deposits.

directors, and may pay interest thereon by way of dividends out of the net earnings or by fixed rates according as may be agreed between the company and its depositors; and the board of directors

Directors to make by-laws.

are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank features of this corporation.

Annual meeting of stockholders.

Sec. 12. That the board of directors shall by the by-laws fix the time of the annual meetings of the stockholders of this corporation and how the said meeting shall be called, and also provide for

Special meetings.

special meetings, and at all general or special meetings the stock-

Proxies, each share one vote.

holders may be represented in person or by proxy, and each share of stock shall be entitled to one vote.

Liability of stockholders determined,

Sec. 13. That the stockholders of this bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such bank to the extent of

the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 14. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney. Transfer of stock.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 90.

AN ACT TO INCORPORATE THE HIAWASSEE VALLEY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Henry S. Gratz, F. Carryl, Edward H. Jacob, John B. Rhoads, Alfred C. Elkinton, J. S. Anderson, N. N. Rogers, R. L. Herbert, A. A. Fain, James Vaughn and J. W. Ferguson, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body politic and corporate to exist for the term of ninety years, under the name and style of Hiawassee Valley Railroad Company, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with. Said company shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift, or in any other way, real and personal property necessary or convenient for the construction, maintenance or operation of its road, and of holding, leasing, conveying or in other way dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may lawfully exercise or enjoy, and may make ordinances, by-laws and regulations consistent with the laws of this State and of the laws of the United States for the government of all under its authority, for the management of its estates and for the due and orderly conduct of its affairs. Incorporators. Period of existence. Corporate name. Powers and privileges. Ordinances and by-laws.

Sec. 2. That said company upon its organization as hereinafter provided for, shall have power to survey, lay out, construct and equip, maintain and operate a railroad with one or more tracks, from any point within one mile of the town of Hayesville, North Carolina, along the Hiawassee River Valley through the said county of Clay in a westwardly or south-westwardly direction, thence into and through the county of Cherokee by such route or routes as the directors of said company may determine, connecting Powers to construct tracks. Route.

Connecting with another road. Route.

with some other railroad. The said company may also extend said railroad in or through the said counties of Clay or Cherokee to the State lines of Georgia or Tennessee, by such route or routes as the said directors may deem most expedient, and may also build and

Branch roads.

operate extensions and branch roads from any point on its main lines, and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such extensions and branch roads as well as to the main lines.

Surveying and constructing.

Sec. 3. That for the purpose of surveying, constructing and operating said line or said lines of railroads, said company is

Surveys.

hereby empowered: First. To cause such examination and surveys to be made as shall be necessary to the selection and location of the most advantageous route or routes, and for such purpose its

Privilege to enter lands of another.

officers and agents, servants and employees may enter upon the land or water of any person or persons. Second. To take and hold

Voluntary grants of property.

such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance or operation of

Purchase, lease and condemn lands.

its road. Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary or proper for the construction, maintenance or operation of its road, stations and

Eminent domain.

terminal facilities and all other accommodations, and to condemn, lease or buy land necessary for its use as aforesaid. Fourth. To

Right of way 200 feet.

lay out its road, not exceeding two hundred feet in width, and to construct the same, and for the purpose of cutting any embankment, and for obtaining gravel and other materials, to take as

Construction material.

much land as may be necessary for the proper construction, operation and security of said road; to cut down any trees that may be in danger of falling on the track or obstructing the right of way, making compensation therefor as provided by law. Fifth. To con-

Route along streams, roads and streets.

struct its road across, along or upon, or to use any stream of water, water course, streets, highway or canal which the route of its road

Proviso.

shall intersect or touch: *Provided*, no railroad shall be constructed

Municipal consent necessary. Proviso.

along and upon any street without the consent of the municipal authorities: And *provided further*, that said company shall not

Highways not to be obstructed.

obstruct or use any highway without first constructing one equally as good as the one taken by the company. Sixth. To cross, inter-

Other railroads, how effected.

sect or join or unite its railroads with any railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad, with the turnouts, sidings, switches and conveniences necessary or proper in the construction

Right of way, other roads.

of its road; and to run over any part of any other railroad's right of way, necessary or proper to reach its freight depot in any city, town or village through or near which said railroad may run, or to reach any other point of its right of way otherwise inaccessible.

Freights and passengers.

Seventh. To take and convey persons or property over its railroads by the use of steam, animals, electricity or other mechanical power,

and to receive compensation therefor, and to do all things incident to railroad business. Eighth. To build and operate telegraph and telephone lines on its right of way or any part theerof, and to charge and receive compensation for the transmission of messages over said lines. Ninth. To erect and maintain convenient buildings, warehonses, docks, stations, fixtures and machinery, within or without a city, town or village for the reception, accommodation and use of its passengers and freight and for its business purposes. Tenth. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor, subject to any law of the State upon the subject. Eleventh. To borrow such sums of money at such rates of interest and upon such terms as its board of directors may determine, and for that purpose, if necessary, and with the consent of the stockholders to issue coupons or registered bonds, in such denominations, bearing such rate of interest, and payable at such time and place as said board may direct; and to secure the payment of said bonds said company may execute and deliver one or more mortgages or deeds of trust on all or any parts of its railroads and appurtenances, property, franchises and privileges, in such manner and form as said board may determine. The registration of any such mortgage or deed of trust may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchise conveyed therein. Said company may, through its board of directors, sell, hypothecate or otherwise dispose of the bonds hereinbefore authorized to be issued, or any other of its stock, bonds or securities.

Compensation, etc.

Power to build and operate telegraph and telephone lines.

Stations, warehouse, etc.

Time and manner of moving trains.

Borrow money.

Bond issue.

Mortgage as security.

Registration of mortgage, where.

Bonds, how disposed of.

Sec. 4. That the capital stock of said company shall be one hundred and fifty thousand dollars in common stock or preferred stock, or partly in each, as a majority of the stockholders may determine, with the power to increase the sum, from time to time, by a majority vote of the stockholders, to one million five hundred thousand dollars: *Provided*, that such increase of capital stock shall only be made upon application to the Secretary of State, and leave granted by him, accompanied by a receipt from the State Treasurer for the tax required for such increase under sections 96 and 97 of chapter 2 of the Public Laws of 1901. The stock of the said company shall be divided into shares of one hundred dollars each, for which, when fully paid, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote; and the stocknolder shall not be individually liable for the debts of the corporation. The stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company.

Capital stock, amount.

How increased, amount.

Tax on increase.

Sections 96 and 97, chap. 2, Laws 1901.

Shares, denomination.

Non-assessable.

Non-liability of stockholders.

Transfer of stock.

Sec. 5. That the incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription,

Subscription books, how and when opened.

in person or by agent or agents, at such time or times, place or places, and under such conditions, rules and regulations as they or such majority may deem necessary or expedient; and said incorporators, or a majority of them, may, when ten thousand dollars shall have been subscribed, and when they or such majority deem proper, call together the subscribers to said shares of stock at any place in or out of this State, and said subscribers or such of them as shall attend, may then complete the organization of said company by electing a board of directors, to consist of such number as they may determine, and of such officers as they may see fit, not less than three, and the said directors shall thereupon proceed to elect one of their number as president, and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act.

First meeting.

Directors.

Officers.

Subscriptions may be made in money, land, work, etc.

Sec. 6. That subscriptions to the capital stock of said company may be made in money, land or other property, bonds, stocks, credits, contracts, leases, options, mines, minerals or mineral rights, rights of way or other rights or easements, labor services, in such manner and on such terms as may be agreed upon by the president and directors of said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereof, to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (postpaid), directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

Failure to pay installment on stock.

Notice to be served before forfeiture.

Notice, what to contain.

Stockholders, annual meetings.

Sec. 7. That meetings of the stockholders shall be held annually at such time or place within or without the State as may be prescribed by the by-laws. Notice of the annual meeting of the stockholders shall be given by advertisement in a newspaper published in Clay or adjoining county for two successive weeks. That the principal office of this corporation shall be within the State of North Carolina.

Notice of.

Principal office.

General meeting, how called.

Sec. 8. That a general meeting of the stockholders may be held at any time upon the call of the board of directors, or of stockholders holding together one-fourth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last

Notice.

annual meeting was held, and by mailing to each stockholder at his post-office address of record written notice of such meeting ten days prior thereto. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Powers exercised at general meeting.

Sec. 9. That the election of directors shall be by ballot and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in it during the term for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their number in such manner as the regulations of the company shall provide, and shall hold their offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the board of directors and may be one and the same person. The board of directors may appoint an executive committee from among its members, which shall exercise all the powers of the board when the board is not in session. Meetings of the board of directors and of the executive committee may be held within or without the State. The board of directors shall have power to adopt by-laws, subject, however, to amendment and repeal by the stockholders.

Election of directors, how.

Tenure.

Vacancies.

Officers, tenure.

Secretary and treasurer.

Executive committee.

Powers of directors, by-laws.

Sec. 10. That said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It is also hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this or any other State, upon such terms and under such name as may be agreed upon, when the two or more railroads to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads. It may assign or lease its property and franchises or any part thereof to any other railroad company incorporated by the laws of this State or any other State, and the railroad leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the company incorporated by this act. Any of the powers and privileges conferred and authorized

Power to hold railroad franchises and property.

Power to merge with other roads.

Must form a continuous line.

Power to assign or lease its property.

Purchasing railroad, what rights it acquires.

Directors to carry provisions into effect, stockholders to determine.

by this section may be exercised and carried into effect by the directors of the company concerned in such manner and on such terms as the stockholders of each company may determine. The

Power of this company to purchase stock in other roads.

company incorporated by this act may subscribe to, purchase, guarantee or endorse the capital stock, bonds or other securities of any other railroad corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to, purchase, or guarantee, or endorse the capital stock,

Power to use any portion of road.

bonds or other securities of this company. This company shall have power to use any section or portion of its road or other lines

Proviso.

before the whole of the same shall have been completed: *Provided,* nothing in this act shall authorize this company to be the channel

Competing line.

through which any competing railroad companies doing business in this State shall consolidate by lease, sale or otherwise.

President and directors to make expenditures and contracts.

Sec. 11. That the president and directors of said company shall have power to make such expenditures and contract such debts as shall be necessary for the construction and operation of its railroad and business.

Sections 1943 to 1951, chapter 49 Code.

Sec. 12. That the said company shall enjoy all the benefits and be subject to the provisions of sections 1943 to 1951, both inclusive,

Eminent domain.

of chapter 49, Volume 1 of The Code of North Carolina, in respect to the acquisition of land by condemnation.

Counties, townships, cities or towns along route authorized to subscribe to capital stock.

Sec. 13. That it shall and may be lawful for any county, township, city or town in or through which the said road may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as

Election held for said subscription.

a majority of their qualified voters may authorize, and County Commissioners of such county or the municipal authorities of such town or township to subscribe.

Sec. 14. That this act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

Chapter 91.

AN ACT TO AMEND SECTION FOUR (4), CHAPTER SIXTY-FOUR (64) OF THE PRIVATE LAWS 1887, RELATIVE TO THE CHARTER OF THE TOWN OF HAMILTON, MARTIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 4, chapter 64 Private Laws 1887 amended, "mayor" stricken out.

Section 1. That the word "Mayor" in line seven (7) of section four, chapter sixty-four (64) of the Private Laws of 1887 be stricken out.

Sec. 2. There be added to the end of said section the following: and the Mayor of said town shall be elected in the same manner as the Town Commissioners are now elected. Mayor, how chosen.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 92.

AN ACT TO ALLOW THE CITY OF GREENSBORO TO USE CERTAIN MONEYS FOR IMPROVEMENT OF WATER-WORKS PLANT.

The General Assembly of North Carolina do enact:

Section 1. That whereas, under and by virtue of chapter 142 of the Private Laws of 1899, ratified on the 28th day of February, A. D. 1899, the citizens of the city of Greensboro voted to issue twenty-five thousand dollars ($25,000) of bonds for the building or buying, conducting and operating an electric light and power plant or gas plant or both, to furnish lights for the streets of the city, and also lights and power to the citizens of said city, if the Board of Aldermen should see fit; and whereas, said bonds were duly issued and sold and part of the proceeds thereof have been used by the said city for the purpose of building an electric light system in the said city to furnish lights for the streets of the city; and whereas, it did not require all of said bonds to provide said lights as aforesaid, and there now remains of the proceeds of said bonds about $18,000 which will not be required for the said lighting systems; and whereas, the water-works plant of said city is in great need of funds to further improve, enlarge and extend said plant, the said city of Greensboro, through its water and light commission, is hereby authorized and empowered to use the funds remaining as aforesaid, after paying all indebtedness for the electric light system, for the purpose of extending, enlarging and improving the water-works plant of said city. Preamble. Chapter 142, Private Acts 1899, Bond issue voted for electric light and power plant. Bonds issued and part of proceeds expended. Surplus of $18,000 remaining on hand. Disposition of surplus. To be applied on water-works.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 93.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SALUDA, IN THE COUNTY OF POLK," RATIFIED THE FIRST DAY OF FEBRUARY, A. D. 1881.

Section 1. Said act is hereby amended so as to read as follows, viz.:

Corporate limits enlarged.
Descriptions.

Sec. 2. That so much of the township of Saluda, in Polk County, and so much of the adjoining township of Green River Township, in Henderson County, as is embraced within one and a quarter (1¼) miles square of the present railroad depot at Saluda, being exactly in the centre thereof, shall be and is hereby incorporated as the city of Saluda, and shall be subject to all the provisions of all the general laws now in force in reference to cities.

Officers of city.

Sec. 3. That the officers of said city shall consist of a Mayor and four (4) Commissioners, who shall be known as the City Council of Saluda.

Mayor to preside at council meetings.
May vote.
Duty of mayor.

Sec. 4. The Mayor shall preside (when present) at all meetings of Council, and shall have the right to vote on all questions before Council, and he shall see that all the laws and ordinances are faithfully complied with.

Officers, when elected.
Tenure.
To be elected every two years.
Election, how held.
Four months' citizenship necessary.

Sec. 5. That there shall be an election for a Mayor and four (4) members of Council on the first Monday in May, 1903, to succeed and take the place of the present Mayor and Commissioners of Saluda. They shall hold their office for two (2) years and until their successors are elected and qualified. An election for Mayor and four (4) members of Council shall be held every two years on the corresponding Monday in May. Said elections shall be held under the same rules and restrictions as State and county elections are held, and all citizens within said incorporation who have resided within its incorporate limits four (4) months previous to said election shall be entitled to vote at said election.

Officers elected to take oath.
First meeting.
City marshal appointed.
Secretary and treasurer to be appointed, bond required.

Sec. 6. It shall be the duty of the persons elected under this act to go before some justice of peace of Polk County and take the oath prescribed by law within ten (10) days after their election. At their first meeting they shall appoint a Marshal and define his duties. They shall also appoint a Treasurer and Secretary, requiring a bond for the faithful performance of their duties.

Council to pass by-laws.
To levy taxes.
Amount.

Sec. 7. The said City Council shall have the power to pass all by-laws, rules and regulations for the good government and welfare of the city of Saluda and its inhabitants, not inconsistent with the laws of the State or the United States, and levy and collect taxes on all subjects of taxation, not to exceed one half of one per

cent. (½ of one per cent.) on the assessed value of the taxable property of the city, and impose fines and penalties for the violation of city ordinances. The said City Council shall also have power to lay out, establish and maintain streets, drains and sewers; also to issue and charge for licenses of the various kinds of business pursued in the city. Fines and penalties. Streets and sewers. To license business.

Sec. 8. This act shall be in force on and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 94.

AN ACT TO INCORPORATE THE TOWN OF DUDLEY, WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town now known as Dudley, in Wayne County, be and the same is hereby incorporated, and shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this act. Dudley, Wayne county, incorporated.

Sec. 2. That the incorporate limits of said town shall be as follows: Beginning at the two poplar trees at the Vicy Grant Branch, near her house, and runs thence N. 83¾ W. 54 chains to a maple tree at the south edge of King's Branch; thence S. 6¼ W. 55 chains to a small water oak at the Henry Ford; thence S. 83¾ E. 54 chains to a stake in Giles Kornegay's heirs' field; thence N. 6¼ E. 55 chains to the beginning. Corporate limits. Description.

Sec. 3. That the officers of said incorporation shall consist of a Mayor and three Commissioners, and the following named persons shall fill said offices until the first Monday in May, 1904, viz.: Mayor, Basil J. Bowden; Commissioners, Junius Kornegay, Walter T. Powell and Charles L. O'Berry. Officers. Temporary officers, personnel.

Sec. 4. That there shall be an election held for the offices mentioned in this act on the first Monday in May, 1904, and every two years thereafter. All citizens eligible to vote, and residing within the incorporate limits, who have been in the State two years, and in the county four months, and in the town thirty days shall be entitled to vote at said election. Election, when to be held. Who eligible to vote.

Sec. 5. The Mayor, who shall be chairman of the Board of Commissioners, and the Commissioners shall organize upon the ratification of this act, and shall be authorized to levy a tax not to exceed 66 2-3 cents on the one hundred dollars and two dollars on the poll, and shall form ordinances for the better government of the town, and have power to elect a Treasurer and policemen and collect the tax so levied. Mayor chairman of board. Tax to be levied. Amount, property and poll. Ordinances. Treasurer and police.

Clerk of court to appoint registrar and poll holders.

Sec. 6. That the Clerk of the Court for the county of Wayne shall appoint one registrar and two poll holders, upon the recommendation of the Mayor and Board of Commissioners, who shall hold the election as provided in this act.

Intoxicating liquors, Acts 1895.

Sec. 7. That nothing in this act shall be so construed as to repeal or in any way affect any provisions of the laws of 1895 which prohibited the sale of intoxicating liquors in this town.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 95.

AN ACT TO ESTABLISH A GRADED SCHOOL FOR THE TOWN OF ROXBORO.

The General Assembly of North Carolina do enact:

School district. Limits defined.

Section 1. That all the territory embraced within the corporate limits of the town of Roxboro, Person County, shall be and is hereby constituted the Roxboro Graded School District for white and colored children.

Commissioners of Roxboro to submit question of annual tax. When. Purpose of.

Sec. 2. That the Board of Commissioners of the town of Roxboro are hereby required to submit to the qualified voters of said town at the next election for municipal officers of said town to be held in May the question whether an annual tax shall be levied for the support of the graded schools in said town.

Ballots.

Sec. 3. That at the election held under the provision of this act those favoring the levying of such tax shall vote a written or printed ballot without device with the words "For Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot without device with the words "Against Schools" upon it.

If majority favor tax commissioners to levy. Amount, property and poll. Tax, when due and how collected.

Sec. 4. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax it shall be the duty of the Board of Commissioners of said town and their successors to levy annually a special tax not less than twenty nor more than forty cents on the one hundred dollars valuation of all taxable property of said town and upon the poll not less than sixty cents nor exceeding one dollar and twenty cents, and said taxes shall be due and collected annually by the town Tax Collector at the same time and in like manner as other taxes are due and collected.

Sec. 5. That the taxes shall be paid over by the said Tax Collector of the said town to the Treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe-keeping and proper disbursement of said special taxes and other funds that may come into his hands for the use of said graded schools; and said Treasurer shall keep said school fund separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town. Town treasurer to receive tax. Bond required. To be kept as a separate fund. How disbursed.

Sec. 6. That S. B. Winstead, J. C. Pass, J. S. Merritt, R. I. Featherston, J. A. Noell, W. H. Long and R. J. Hall be and they are hereby constituted a board of trustees for the graded schools of said town; that said board shall have power to fill all vacancies in said board, employ teachers and do all such acts as may be necessary to carry on the said graded schools. That the first three trustees named in this section shall be elected for two years, the second four for three years; and that upon the expiration of the terms of the foregoing sets of trustees the remaining members of the said board shall elect other trustees as their successors, who shall hold for a term of three years. Trustees, personnel. Vacancies. Tenure.

Sec. 7. That it shall be the duty of said board to establish a graded school for the white children and one for the colored children of said town, and to appropriate the funds derived from said special tax and all other sources for said graded schools for white and colored children so as to equalize school facilities between the two races. Duty of trustees, white and colored races. Tax, how appropriated.

Sec. 8. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said town shall be applied to keeping up said graded schools under the order and direction of the said board of trustees of said graded schools. Money derived from general school fund, how applied.

Sec. 9. That the board of trustees of the said schools are hereby authorized and empowered to admit into the said school children residing out of the said school district upon the payment of such rates of tuition as may be established by the board: *Provided*, that said board may admit free of tuition children of parents who own taxable property within said town. Scholars. Matriculation. Tuition.

Sec. 10. That the Board of Commissioners of the said town are hereby authorized and directed to cause an election to be held in May next at the time for the election of municipal officers and to submit to the qualified voters of said town the question of issuing bonds to the amount of not less than five thousand dollars nor more than ten thousand dollars for the purpose of buying a suitable lot and erecting thereon a suitable building for the white graded school and buying a suitable lot for the colored graded school, and Commissioners of town to submit question of bond issue to voters, when. Amount of issue. Purpose.

if no suitable building thereon then to erect such, and the colored graded school may be located outside of the corporation of Roxboro if the trustees in their judgment deem it best. The election shall be advertised by the Board of Commissioners of said town for thirty days prior to the day of election in some newspaper published in said town and at the court-house and four other public places in said town, and shall be held under the same rules and regulations that are prescribed by law for the election of Mayor and Commissioners of the said town. Those who are in favor of issuing bonds shall vote a written or printed ballot without device with the words "For Bonds" thereon, and those who are opposed shall vote a written or printed ballot without device with the words "Against Bonds" thereon. The result of said election shall be ascertained as directed by law and certified and returned by them to the Board of Commissioners within two days after the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes.

Election to be advertised.

Election, how held.

Ballots.

Result.

If majority for bonds, duty of commissioners.

Denomination and style of bonds.

When payable.

How executed.

Receivable for taxes.

Bonds, how to be disposed of.

Proceeds of bonds, how to be expended.

Sec. 11. That if a majority of the qualified voters of said town shall vote "For Bonds," then the Board of Commissioners of said town shall issue coupon bonds to the amount voted for in said election and in denominations of not less than five hundred dollars, bearing interest from the date of said bonds at five per centum per annum, and payable semi-annually on the first day of January and July of each year until said bonds are paid. That the said bonds shall be payable after the expiration of thirty years from the date thereof. The bonds and the coupons shall be numbered and the bonds shall be signed by the Mayor of said town and countersigned by the treasurer of the Board of Commissioners, and a record shall be kept of all bonds, observing the number, amount and to whom sold. The coupons shall be received in payment of taxes, polls, and debts due said town; and the said bonds shall not be sold for less than their par value, but the Board of Commissioners are authorized in their discretion to pay a commission not to exceed five per centum of the amount of the issue of said bonds, should it become necessary in order to effect a sale thereof; that the sales of the said bonds shall be used by the Board of Commissioners of said town for the exclusive purpose of buying a suitable lot and erecting thereon a building for the white graded school of said town and buy a suitable lot for the colored graded school, and if no suitable building on said lot to erect one.

Interest, how to be met.

Special tax.

Property and poll.

Sec. 12. That in order to pay the interest on said bonds the Board of Commissioners of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon the real and personal property within the corporate limits of said town and other subjects of taxation as by law said town may tax pursuant

to its charter and amendments thereto and on the polls of said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds. The said special tax shall be collected at the time and as other taxes of said town are collected, and shall be paid over by the Tax Collector of said town to the Treasurer of said town, which officers shall give good and sufficient bonds, the former for collection of said taxes and paying them over as aforesaid, and the latter for their safe-keeping and proper disbursement.

How and when collected.

Official bonds required.

Sec. 13. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes and shall only be used for the purpose for which they were levied and collected, and any Mayor or Commissioner who shall appropriate or attempt to appropriate by vote or otherwise to any purpose, directly or indirectly, other than that for which they were levied, said special taxes or any part thereof, shall be guilty of a misdemeanor.

Taxes collected to be kept separate.

A misdemeanor to divert fund.

Sec. 14. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said board of trustees and their successors in trust for said graded schools: *Provided,* that in the event of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said town.

Public school property.

Proviso.

Discontinuance of graded school.

Sec. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 96.

AN ACT TO INCORPORATE THE TOWN OF HASSELL, IN THE COUNTY OF MARTIN.

The General Assembly of North Carolina do enact:

Section 1. That the town of Hassell, in the county of Martin, be and is hereby incorporated by the name and style of the Town of Hassell, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Hassell, Martin county, incorporated.

Sec. 2. That the corporate limits of said town be as follows: Beginning in the centre of the Dogville Cross Roads in Hamilton Township, running south 66° west 3,322 feet; thence north 15 west 1,689 feet to a large oak; thence south 76½ east 1,320 feet to the Scotland Neck and Kinson branch of the Atlantic Coast

Corporate limits.

Description.

Line Railroad Company; thence along the said railroad northerly 547 feet; thence north 73 east 1,854 feet to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a Mayor and three Commissioners and a Constable, which said Constable shall be appointed by said Commissioners immediately upon their qualification, and the said Commissioners shall have power to appoint a Secretary and Treasurer.

Election of officers, when, how held.

Sec. 4. That there shall be an election of officers mentioned in this act on the first Monday in May, 1903, and thereafter in accordance with the law regulating municipal elections in this State, and the officers appointed under this act shall hold over until their successors are duly elected and qualified. All male citizens over twenty-one years of age, who have resided in the State two years, in the county six months, and four months within the said corporation prior to the day of election, and who are qualified and entitled to vote under the Constitution of the State, shall be entitled to vote at said elections.

Who eligible to vote.

By-laws.

Sec. 5. That said Commissioners shall have power to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and to impose fines and penalties for the violation of the town ordinances and collect the same.

Fines and penalties may be imposed.

Temporary officers, personnel.

Sec. 6. That until their successors are elected and qualified, the following persons shall fill said offices: Mayor, R. N. Salisbury; Commissioners, W. R. Howard, Frank L. Haislip and John H. Eubanks.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 97.

AN ACT TO ESTABLISH AND MAINTAIN A GRADED SCHOOL IN THE TOWN OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Graham, Alamance county, to constitute a school district.

Section 1. That the territory now embraced in the corporate limits of the town of Graham or that may be embraced in said corporate limits by any change hereafter made in the same, shall be and constitute one school district for the white race and one school district for the colored race.

Sec. 2. That all sums whatsoever to be used for the purposes of public schools in said territory shall be turned over to and expended under the supervision of the school trustees hereinafter named and their duly constituted successors, and this shall be held to include all sums coming to said territory from State and county school funds and taxes and all sums that may be raised for school purposes under a special tax that may be levied in said territory. Public school and special tax, how kept and expended.

Sec. 3. That upon the application in writing of ten qualified voters of said town, asking them so to do, the Commissioners of the town of Graham shall order an election to be held at the same time and place and under the same conditions and by the same parties as the next election for Mayor and Commissioners of said municipality, to ascertain whether there shall be levied in said municipality a special tax for school purposes. Upon the presentation of said application so signed, said Commissioners shall order said election and shall give notice thereof by a notice published in some newspaper published in said municipality for thirty days prior to said election setting out the purposes of said election. Said Commissioners shall require the officers appointed to hold the regular municipal election to hold this election. Said officers shall provide a box similar to the other ballot boxes, to be used in this election, in which this question shall be voted upon, and all persons duly qualified and entitled to vote for the officers of said municipality shall be entitled to vote on this question. Those in favor of the levying of said tax shall vote a ballot upon which shall be printed or written the words "For Special Tax for Schools," and those opposed to such tax shall vote a ballot upon which shall be the words "Against Special Tax for Schools." The officers of said election at the close thereof shall count said votes and shall certify over their hands the number of votes cast in favor of said tax and the number of votes cast against said tax, to the first meeting of the Commissioners of said town which shall be held after the date of the holding of said election. On application of ten voters commissioners to order election. How, where and when to be held. Purpose. Publication of notice. Who to hold election. Who eligible to vote. Ballots. Result, how ascertained.

Sec. 4. If a majority of the qualified voters of said town shall be found to have voted in favor of levying the special tax for school purposes, then it shall be the duty of the Town Commissioners of said town of Graham to levy a special tax on all property and polls taxable for municipal purposes of not more than thirty cents on the hundred dollars valuation of real and personal property and of not more than ninety cents on each poll for school purposes. This tax shall be levied at the same time and shall be collectible at the same time and in the same manner and by the same person as are other municipal taxes, and the party collecting the same shall receive the same compensation therefor. The amount collected from this special tax shall be kept in a fund to itself, and shall be turned over to the school trustees hereinafter named and If majority favor tax. Commissioners to make levy. Amount poll and property. When and how levied and collected. To be kept a separate fund.

their duly constituted successors for expenditure as hereinafter directed.

Trustees, personnel.

Sec. 5. The following parties are hereby constituted and appointed the school trustees for the school district hereinbefore created: H. W. Scott, J. D. Albright, T. C. Montgomery, W. R. Goley, E. S. Parker, Jr., W. T. Ezzell and J. M. McCracken. The first two named parties shall hold for two years, the next two for three years and the last three for four years from the date upon which this act goes into effect, and all vacancies, whether they arise from death, resignation, removal, expiration of the terms of office or otherwise, shall be filled by the remaining trustees, and a majority thereof shall have the power of selection, and such persons shall hold for three years from the date of their selection. These trustees above named shall have charge of all the schools conducted as public schools in said territory, and they shall establish and maintain at least two schools, one for the colored and one for the white race, and practically the same advantages shall be offered to the children of school age of each race. Said trustees shall have sole charge of said schools and the selection of the teachers to be employed therein and fixing the compensation of said teachers, and shall have the right and power to do any and all things necessary to be done in conducting said schools. Said trustees shall pass such by-laws to regulate their meetings as they shall deem expedient and necessary, and shall select a treasurer, who shall have charge of all moneys coming to their hands and who shall pay the same out upon such vouchers as they may direct and who shall receive such compensation and give such bond as said trustees shall dictate.

Tenure.

Vacancies.

Duties of trustees.

White and colored races.

Teachers.

By-laws.

Treasurer.

How to make disbursements.

Compensation and bond of treasurer.

Public school property.

Sec. 6. The property at present located in said territory and belonging to the public schools thereof shall be by such parties as now hold the title thereof duly and properly conveyed to the trustees above named and their duly constituted successors. The above named trustees shall have the power and right to sell and convey any property which is now owned or which may hereafter belong to the said public schools of said territory and shall have the right to purchase and hold other property for school purposes.

Children outside of school district.

Sec. 7. The said trustees shall have the right and privilege of allowing parents or others having charge of children of school age outside the territory above set out to send such children to the school in said territory upon such terms as they may fix.

Entire fund to be expended, how.

Sec. 8. That said trustees shall expend the entire amount coming to their hands from all sources for the benefit of the public schools in the above mentioned territory, but they shall be the judges of how much shall be expended in any year upon buildings and equipment, and they shall not in any year expend more than they shall receive during that year.

Sec. 9. That all laws and clauses of laws in conflict with the above are hereby repealed. Repealing clause.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 98.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That section 3 of chapter 333 of the Private Laws of 1901 be amended by striking out in line three thereof the word "twelve" and inserting in lieu thereof the word "six," and by striking out the word "two" and inserting in lieu thereof the word "one," and by inserting after the word "the" in line one and before the word "first" in said line the following words: "Tuesday after the." Section 3, chapter 333, Private Laws 1901 amended. Six in lieu of twelve. One in lieu of two.

Sec. 2. That section 61 be amended by inserting after the word "third" in line eleven of said section and before the word "and" in said line the following: "And in case the owner or owners or any of them fail or refuse to choose a freeholder as above provided, for five days after being notified so to do, then it shall be the duty of the Board of Aldermen to appoint a disinterested freeholder to act on the part of the said owner or owners." Section 61 amended. Aldermen to appoint a freeholder, when.

Sec. 3. That section 65 be amended by striking out in line one thereof the word "may" and inserting in place thereof the following: "shall." Section 65 amended.

Sec. 4. That section 25 be amended by adding at the end thereof the following words, to-wit: "*Provided, however,* that the Mayor shall have power to veto any motion, ordinance or resolution; the Mayor to notify the City Clerk of the veto before midnight of the next succeeding day, and in case of a veto it shall become the duty of the Mayor to immediately call a special meeting of the Board of Aldermen, to be held before midnight of the second day next following the day on which the Clerk is notified of the veto, and at such meeting the board may pass over the veto of the Mayor the said motion, ordinance or resolution by a vote of two-thirds of the entire board." Section 25 amended. Proviso. Mayor given power to veto. Mayor to file veto with clerk, when. Two-thirds of board may enact over veto.

Sec. 5. That section 85 be amended by adding at the end thereof the following, to-wit: "That the board shall grant at least two licenses for market stands in the territory outside the old city Section 85. Market stands, where.

limits, formerly known as South Greensboro, until the city establishes a market or branch market in said territory."

When effective.

Sec. 6. That this act shall be in force from and after the Tuesday after the first Monday in May, 1903.

In the General Assembly read three times and ratified this 17th day of February, A. D. 1903.

Chapter 99.

AN ACT AUTHORIZING THE CORPORATION OF ELIZABETH CITY TO CONTRACT WITH C. M. FEREBEE OR ASSIGNS FOR ELECTRIC LIGHTS, WATER, SEWERAGE AND GAS, OR FOR ANY OF THEM; TO SUBMIT SAID CONTRACTS TO THE QUALIFIED VOTERS FOR RATIFICATION; TO PLEDGE THE CREDIT OF THE CORPORATION THEREFOR, AND TO LEVY A SPECIAL TAX TO PAY INSTALLMENTS ACCRUING THEREUNDER.

Preamble.

C. M. Ferebee.

Light and water furnished by.

Whereas, the Board of Town Aldermen of the corporation of Elizabeth City has recently granted to C. M. Ferebee and his assigns certain franchises to furnish the said corporation and its inhabitants with electric lights and with gas, both for illuminating and for fuel, and with water and a sanitary sewerage system; and

Contracts in the future for said purposes.

Whereas, the said corporation of Elizabeth City is or may be desirous of contracting with the said Ferebee, or with his assigns, for a supply of electric lights, water, gas and a sewerage system, or any of them, and to pledge the credit of the said corporation to pay the installments which may accrue therefor, and to submit said contracts, and each of them, to the qualified voters of the said corporation for ratification; and is not authorized so to do unless empowered by an enabling act of the General Assembly; therefore

The General Assembly of North Carolina do enact:

City authorized to contract with C. M. Ferebee.

For what purposes.

What period.

Consideration.

Section 1. That the corporation of Elizabeth City is hereby authorized and empowered to contract with C. M. Ferebee, or with his assigns, to furnish to said corporation electric lights, gas, both for illuminating and for fuel, water and a sanitary sewerage system, or for any of them, for such time not exceeding thirty years, upon such terms and conditions, and for such consideration in each case, as the Board of Town Aldermen of Elizabeth City may deem just and expedient.

Empowered to pledge credit of city for said purpose.

Sec. 2. That the corporation of Elizabeth City is hereby empowered to pledge the credit of said corporation of Elizabeth City to pay any and all installments which may accrue under or by virtue of any and all contracts entered into with the said C. M. Ferebee, or his assigns, for furnishing the said corporation with electric lights, gas, water and sewerage, or any of them.

Payments, how to be met.

Sec. 3. That in order to meet the payments of the several installments arising by virtue of said contraots, or any of them, the Board of Town Aldermen of the corporation of Elizabeth City is hereby authorized and empowered to levy and collect each year, as other taxes are colleeted, a special tax, not to exceed ten cents on one hundred dollars of assessed valuation of property, real, personal, choses in action and solvent credits, within the corporate limits of the said Elizabeth City, and not to exceed thirty cents on each taxable poll.

Tax to be levied.

Amount, poll and property.

City authorities to submit question to voters.

Sec. 4. That the said corporation of Elizabeth City is hereby empowered to submit to the qualified voters of the said corporation, for their ratification or rejection, at an election or elections to be held for that purpose, any and all contracts which it may enter into, or desire to enter into, with the said C. M. Ferebee or his assigns. That all eleetions for this purpose shall be called and held at such time or times as the Board of Town Aldermen of the corporation of Elizabeth City may direct, and in the same manner, and under the same rules and regulations, as prescribed by the charter of Elizabeth City for the election of Town Aldermen at the time any election authorized by this act shall be held. If at any such election or elections more than one of the aforesaid contracts is to be voted on, a separate ballot box and ballot shall be provided for each contract; and at said election or elections each qualified voter favoring any of said contraets shall vote a paper ballot designating said contract and having printed thereon "For Contract"; and those opposed shall vote a paper ballot designating said contract and having printed thereon the words "Against Contract."

Election, how and when held.

Separate ballot box for each contract voted on.

Ballots.

Poll holders and registrars.

Election returns.

Result, how declared.

If majority favor said contracts.

Board of aldermen, duty of.

Sec. 5. That the poll holders and registrars of election, on the day after the same is held, shall count in their respective wards and make an abstract of the votes cast and file said abstract with the Board of Town Aldermen of the corporation of Elizabeth City, at its first regular meeting after said election; at which time the said board shall examine the returns made to them as aforesaid and decide the result of the election in accordance therewith. If it shall appear as the result of said election or elections that a majority of the qualified voters of the corporation of Elizabeth City shall have voted in favor of any of said contracts, the said Board of Town Aldermen is hereby authorized to enter into such contract or contracts so voted in favor of and approved; and the

payment of any debt or debts, installment or installments, arising under or by virtue of said contract or contracts for electric light, gas, water and sewerage, or any of them, shall be lawful and obligatory on the said corporation of Elizabeth City.

City to agree with C. M. Ferebee in regard to placing pipes, conduits, etc.

Sec. 6. That the corporation of Elizabeth City is hereby authorized and empowered to agree with C. M. Ferebee, or his assigns, that no pipes, tubes or conduits for a water supply or for sewerage shall, under the authority of the said corporation, be placed in, under or across any of the streets, alleys, lanes or highways of the said corporation, at any time within ten years from May the first, 1903, which shall in any way obstruct, interfere with the location of or make necessary the removal or any change in the location of any pipes, tubes or conduits which may be placed by the said C. M. Ferebee, or by his assigns, in, under or across any of the streets, alleys, lanes or highways of the said corporation for the purpose of performing any contract made under the authority of this act: *Provided further,* that the privileges mentioned in this section shall not be granted unless the contract or contracts named in the preceding sections of this act are ratified by a majority of the qualified voters of Elizabeth City in the manner hereinbefore mentioned.

Pipes which obstruct streets.

Proviso, privilege not to be granted unless contracts approved by voters.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 18th day of February, A. D. 1903.

Chapter 100.

AN ACT TO INCORPORATE THE TOWN OF "SOUTH WADESBORO," IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

South Wadesboro, Anson County, incorporated, name.

Section 1. That the town of "South Wadesboro," in Anson County, be and the same is hereby incorporated under the name and style of "South Wadesboro," and as such shall be subject to and governed by all the provisions of chapter sixty-two of The Code of North Carolina and the acts of the General Assembly amendatory thereof, not inconsistent with this act.

How governed. Chapter 62 Code.

Officers.

Sec. 2. That the officers of said town shall consist of a Mayor, three Commissioners and a Constable, and until their successors are duly elected and qualified said officers shall be B. L. Ledwell, Mayor; W. H. Hawkins, J. J. Lee and M. R. Vick, Commissioners. Said officers shall have all the powers, rights, and be subject to the same duties, as are prescribed in said chapter sixty-two of The

Temporary officers, personnel.

Code. The Commissioners at their first meeting after they have qualified according to law, shall proceed to elect a Constable of said town. First meeting, constable to be chosen.

Sec. 3. The Commissioners of said town may, in the manner prescribed by law, annually levy a tax not to exceed five cents on the hundred dollars worth of property and fifteen cents on the poll in said town subject to taxation, and shall have all the powers to enforce the payment of the same that is given other municipal corporations in said chapter sixty-two of The Code, and the laws amendatory thereof. Commissioners to levy tax. Amount, property and poll. Chapter 62 Code.

Sec. 4. That the corporate limits of said town shall be co-extensive and commensurate with the lands described in deeds of conveyance as follows, to-wit: From Fred Hargrave and others to the Wadesboro Cotton Mills Company, registered in the office of the Register of Deeds for Anson County, deed book twenty-seven, page six hundred and thirteen, etc.; from A. G. Bruner and wife to same grantee, registered in said county deed book number twenty-eight, page four hundred and seven, etc., and from Isaac H. Horton and wife to same grantee, registered in said county, deed book number twenty-nine, page fifty-four, etc., the whole covering by estimation forty and two-fifths acres. Corporate limits. Description.

Sec. 5. That all laws and parts of laws in conflict with this act are hereby repealed. Repealing section.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 18th day of February, A. D. 1903.

Chapter 101.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL TO BE KNOWN AS "TRYON GRADED SCHOOL," IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of School Commissioners hereinafter to be appointed for a district.... in Polk County, namely, in Tryon Township and Public School District No..., bounded as follows: Beginning at the south-east corner of Tryon Township; thence in the boundary line of said township to the south-east bank of Pacolet River, opposite the mouth of Kellor's Branch; thence up the south-east bank of Pacolet River to the mouth of Mill Creek, near J. B. Cleveland's country house; thence up said creek to where it crosses Chas. E. Erskin's line; thence by a direct line to the deep cut in the Tryon and Lynn Road; thence in a straight line to T. T. Bal- New school district. Polk county. Description of boundaries.

lenger's Ford of Pacolet; thence in a north-westerly direction in the straight line joining said ford and the intersection of the Columbus and Howard Gap Roads, near Forrester's, where said line crosses the north-west boundary line of T. T. Ballenger's home tract;

Description. thence in a south-westerly direction along said Ballenger's north-west boundary line to the ford of Williams' Creek; thence up said creek to Whitney and Talley's line; thence with said Whitney and Talley's line to Hawes and Cooner's north-east corner; thence with said Hawes and Cooner's line to their north-west corner; thence in their south-west boundary line to Keenan's north-west boundary line; thence with said line to his (Keenan's) south-west corner; thence south-easterly to the Sandy Gap; thence south-westerly with the Berrell Branch to the South Carolina State line; thence easterly

Commissioners to submit question to voters, when. with said line to the place of beginning. Shall on the first Tuesday in May next ensuing, submit to the qualified voters of said district of .....County, the question of establishing a graded

Notice of election. school in said district. The said Board of School Commissioners shall give thirty days' notice of said election in each of the two newspapers published in said county, and post a notice of said election in at least four (4) different places in said district.

Registrar and poll holders. Sec. 2. The said Board of School Commissioners shall select two men, qualified voters of said district, who, with the registrar of Tryon Township, shall act as poll holders on said election and who shall be governed by the same rules and regulations as provided in the election of county officers, and the qualified voters of said

Election, when to be held. district shall vote at said election on the first Tuesday in May next ensuing, tickets on which shall be written the words "For

Ballots. Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules as govern the election of county officers.

If majority favor school. Sec. 3. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be

Commissioners to levy tax. the duty of the Board of School Commissioners provided for by this act and their successors to levy annually a special tax not

Amount, poll and property. exceeding 33 1-3 cents on the one hundred dollars, and upon the poll not exceeding one dollar, and the said tax shall be collected annually by the Sheriff of Polk County.

Duty of sheriff. Sec. 4. It shall be the duty of the Sheriff of Polk County to turn over such taxes as may be collected under section three of this bill to the treasurer of the Board of School Commissioners herein

How disbursed. provided for, who shall pay out the same for the exclusive use and

What purpose. benefit of said graded school only upon the warrant or order signed by the chairman and secretary of said Board of School Commissioners.

Public school funds, disposition of. Sec. 5. That all public funds derived from the State and county for the use and benefit of said school district shall be paid by the

Treasurer of Polk County to the treasurer of said Board of School Commissioners for the use and benefit of said graded school, and the school property of the said district shall become the property of said graded school and shall be vested in said Board of School Commissioners in trust. Public school property.

Sec. 6. That for the purposes of this act there is created a Board of School Commissioners of said district, and this board shall consist of five members, divided into two classes, one consisting of two members whose term of office shall expire at the end of one year, and one consisting of three members whose term of office shall expire at the end of two years, each class to date from the first Tuesday in May, 1903. Board of school commissioners created, nature of. Tenure.

Sec. 7. It is further enacted, that W. T. Lindsey and F. P. Bacon be and they are hereby named and appointed in the first class for the first year, beginning the first Tuesday in May, 1903; and that Earl Grady, M. D., T. T. Ballenger and W. M. Page be and they are hereby named and appointed in the second class for the year beginning the first Tuesday in May, 1903; and it is further enacted, that upon the expiration of the terms above named and fixed the qualified voters in said district shall elect annually thereafter successors in each class for one and two years respectively. Board of commissioners, personnel. Election for members of board, when.

Sec. 8. That the Board of School Commissioners therein appointed and their successors shall have entire and exclusive control of said graded school; shall employ and fix compensation of officers and teachers and do all other acts that may be necessary, just and lawful for the successful management of said graded school; and said Board of School Commissioners shall be a body corporate under the name of "The Board of School Commissioners of Tryon Graded School," with power to sue and to be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants, or making purchases, of buying, holding and selling property, both real and personal, for school purposes; of prosecuting and defending suits for and against the corporation hereby created. Conveyances and all other instruments to said board shall be made to them and to their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said Board of Commissioners. Powers and privileges of board. Board incorporated. Name. Corporate powers. Conveyances.

Sec. 9. That said district of country, the bounds of which have been herein given, shall constitute District No... of the public school districts of Polk County. Number of district.

Sec. 10. That the place for holding the elections herein authorized shall be the Tryon town building, and the same is established as a polling place for said elections. Elections, where held.

Sec. 11. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Repealing clause.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 18th day of February, A. D. 1903.

Chapter 102.

AN ACT TO ESTABLISH GRADED SCHOOLS IN TOWN OF LaGRANGE.

The General Assembly of North Carolina do enact:

Corporate limits of school district defined.

Section 1. That all the territory lying within the corporate limits of the town of LaGrange and all that portion of Lenoir County not embraced in said corporate limits, but lying contiguous thereto and embraced in School District No. 1 of Moseley Hall Township, shall be and are hereby constituted a public school district for white and colored children, to be known as the "LaGrange Graded School District."

Name.

Laws governing assessment, taxation and elections applicable.

Sec. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of LaGrange, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town, as fully as if same lay within said corporate limits; and that in all elections which shall be held under this act that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town.

A new ward.

School trustees to issue bonds.

Sec. 3. That the Board of Graded School Trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding seven thousand five hundred dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half-yearly, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from date thereof, and at such place or places as said board of trustees may determine: *Provided,* that said board of trustees shall issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures hereinafter provided for in section four of this act.

Amount, denomination.

Six per cent. interest, semi-annually.

Style of bonds.

When redeemable.

Proviso.

How and when issued.

Sec. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing by purchase or otherwise such graded school buildings as may be required, and in furnishing same with school furniture and other necessary equipment. How expended. School buildings and equipment.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act. To be sold at par.

Sec. 6. That said bonds and their coupons shall not be subject to taxation by the town of LaGrange until after they shall have become due and tender of payment shall have been made. And such coupons shall be receivable in payment of all taxes or other public dues of said town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present same for payment at the time or times, or at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity. Non-taxable bonds. Receivable for taxes. No interest after maturity.

Sec. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and for defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of LaGrange shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, nineteen hundred and three, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which said Board of Commissioners may now or hereafter be authorized to lay or levy taxes for any purpose whatsoever; said particular tax to be not more than thirty-five cents on the one hundred dollars assessed valuation on property and not more than one dollar and five cents on each taxable poll. Town commissioners to levy special tax, purpose of. When to commence. Amount, poll and property.

Sec. 8. That said taxes shall be collected by the Tax Collector of the town of LaGrange at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And the Treasurer shall pay out of said taxes and other funds which may come into his hands for the use of said graded schools only upon warrant of the chairman and secretary of said Board of Graded School Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said board of trustees may direct; that of the former conditioned for the faithful collection and paying over said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and When and how collected. Treasurer of town custodian of fund. How disbursed. Proviso, officers to give bond.

that of the latter for the safe-keeping and proper disbursement of same.

Election, what to be submitted.

Sec. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Commissioners of the town of LaGrange, immediately after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more weekly newspapers published in the town of LaGrange; and in all other respects said election shall be held and conducted under the provisions of law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three, and the levy and collection of the particular taxes provided for in section seven of this act, shall deposit a ballot containing the written or printed words "For Schools," and those disapproving same shall deposit a ballot containing the written or printed words "Against Schools."

Election, notice of.

Ballots.

If majority for schools.

If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to aforesaid Board of Graded School Trustees authority to issue such bonds and to the Board of Commissioners of said town authority to levy such particular tax, and said board of trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said Board of Commissioners shall not have such authority: *Provided,* that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of LaGrange; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further,* that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, said Board of Commissioners shall order another election, at any time after the expiration of six months from the date of the former election, when requested to do so by said board of trustees, and if at such election a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held.

School trustees to issue bonds.

Town commissioners to levy tax.

Proviso.

Result of election not open to attack.

Proviso.

If majority fail to vote.

Another election, six months interim.

Board of trustees, personnel.

Sec. 10. That John Field, Jr., C. S. Wooten, Joseph Kinsey, J. S. Wooten, John D. Walters, R. J. Creech and Dr. J. W. P. Smithwick shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first two of said trustees shall hold office until the first Monday in July, nineteen hundred and five; that the next three until the first

Tenure.

Monday in July, nineteen hundred and seven, and the last two until the first Monday in July, nineteen hundred and nine, and their successors, elected as hereinafter provided, shall hold for the term of six years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the other members of such Board of Graded School Trustees holding over, acting in conjunction with the Board of Commissioners of the town of LaGrange. And for the purpose of filling such vacancies said members of the board of trustees and said Board of Commissioners shall meet in joint sessions on the Monday immediately preceding the first Monday in July in each year in which any such vacancy is to occur: *Provided,* that any and all vacancies in said board of trustees, occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by the other members of said board of trustees: *Provided,* that the position of trustee shall not constitute an office within the meaning of Article 7, section 14 of the Constitution of this State.

Vacancies.

Proviso.

Vacancies.

Proviso, trusteeship not an office within meaning of Artictle 7, section 14, Constitution.

Sec. 11. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of LaGrange," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gifts, purchase or devise, real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure.

Trustees incorporated.

Corporate name.

Powers and privileges.

Sec. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district. And said board of trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided,* that all donations to said schools shall be applied as directed by the donors.

Graded schools for white and colored races.

Division of funds.

Proviso.

Donations.

Sec. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from the supervision and control of the County Board of School Directors, and the County Superintendent of the schools of Lenoir County shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district; shall prescribe the qualifications, employ and fix the compensation of all officers and

Public schools in district.

Government of.

School census.

Officers and teachers, compensation of.

teachers of such schools; and shall exercise such powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that the board of school trustees, District No. 1, Moseley Hall Township, Lenoir County, is hereby authorized and empowered to carry on white and colored schools in District No. 1 of said township and county until June thirtieth, nineteen hundred and three, and to exercise over such schools all such powers as are herein conferred upon said Board of Graded School Trustees over the public schools in said graded school district: *Provided further*, that the treasurer of Lenoir County school funds shall, without delay, pay over to the Treasurer of the town of LaGrange all the funds of said School District No. 1, Moseley Hall Township, now in his hands, or which may hereafter come into his hands, and that the said Treasurer of the town of LaGrange shall, up to June thirtieth, nineteen hundred and three, disburse said funds upon the warrant of said Board of Township Trustees, and thereafter as hereinbefore provided for the disbursement of other funds of said graded school district.

Proviso.

District No. 1, Moseley Hall township, authorized to operate independent school.

Proviso.

Funds belonging to District No. 1, Moseley Hall township, how held and disbursed.

Public revenue for school funds.

How held and disposed of.

Exception.

All school property to become the property of the school trustees.

Sec. 14. That all public school funds derived from the State and from the county of Lenoir for the use and benefit of said graded school district shall be paid over to the Treasurer of the town of LaGrange by the Treasurer of said county, for the use and benefit of said graded public schools in said graded school district, except as hereinbefore provided in section 13 of this act; and the property, both real and personal, of the various public school districts embraced within the limits of said graded school district, shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees, in trust therefor; and said board of trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the public graded schools to be established in said graded school district.

Tuition fee.

Amount.

Proviso.

How applied.

Sec. 15. That said Board of Graded School Trustees may, if in their judgment necessary for maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars and fifty cents per annum, payable as the board of trustees may direct: *Provided*, that such fees shall be applied exclusively to the maintenance of such graded school as the pupil paying the same may attend.

To elect school superintendent.

Sec. 16. That said Board of Graded School Trustees shall elect, annually, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise the public graded schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Sec. 17. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said graded school district upon such terms as said board of trustees may deem just and reasonable. Curriculum. Course of study. Non-resident pupils.

Sec. 18. That it shall be the duty of said Board of Graded School Trustees to make to the Mayor and Board of Commissioners of the town of LaGrange, annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district; and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Lenoir County. Trustees to make annual report to mayor and county superintendent.

Sec. 19. That the several boards of school trustees, having authority under the general school law of the State, shall, in the apportionment of all public school funds to said graded school district, apportion same upon a per capita basis. Appropriations of public fund per capita.

Sec. 20. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

Sec. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 18th day of February, A. D. 1903.

Chapter 103.

AN ACT TO INCORPORATE THE NORTH CAROLINA MINING, MANUFACTURING AND DEVELOPMENT COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Milton L. Jones, A. E. Jones and C. H. Basshon, or any two of them, and their successors and assigns, are hereby constituted a body corporate by the name of the North Carolina Mining, Manufacturing and Development Company, by which name the said corporation shall have all the franchises, rights and privileges incident to a corporation, and as such shall have the power to sue and be sued, plead and be impleaded, in all the courts of this State; to make, have and use a common seal, which it may alter at pleasure, and be subject to and have all of the privileges, advantages and immunities as provided in chapter sixteen of The Code of eighteen hundred and eighty-three (1883), entitled "Corporations," and Laws of North Carolina, Acts 1901, chapter 2, and all other general laws now in force, or which may be hereafter enacted, per- Incorporators. Corporate name. Powers and privileges. Chapter 16 of Code. Acts 1901, chapter 2.

taining to corporations, except as the same may indicate, abridge or in any manner contravene the provisions of this charter, or destroy or limit the powers, rights or privileges herein granted.

Purpose of company, mining.

Sec. 2. That this company is incorporated for the purpose of carrying on the general business of mining, manufacturing and development, and to that end is empowered to buy, sell, lease, mortgage, convey and take and make title to lands, buildings, franchises, rights of way, real, personal and other property of any and every description, at any place or places within the State necessary to carry into effect each and every the purposes and powers of the corporation, and to build, construct, lease and use buildings, plants, water-ways, tram-ways, railways, streets, roads and highways, canals, dams, reservoirs, water-works, power plants, to be operated by steam, electric, water or other kind of power; to construct electric light and power plants, gas plants, mills, furnaces, smelters, foundries, warehouses, factories, machine shops, and all other kinds of plants and buildings deemed necessary and desirable by the corporation; to buy, purchase, lease, sell, develop, operate and deal with mining and timber lands or other real estate; to lay out, subdivide, improve, sell, lease lands in this State to promote and advance the interests of the corporation, and to manufacture, furnish and supply water, light, heat and power, ventilating and re-

Right to exercise all privileges necessary.

Enumeration of powers.

Enumeration of powers.

refrigerating fluids or gases for any and all of the purposes of the corporation, and to sell the same to customers of the company or to corporations, individuals, cities and towns, and to lay ducts, drains, pipes, conduits, wires for the proper conduct of the same; to build sewer and power-houses, flushing machinery and other plants necessary to secure sanitary conditions; to conduct all operations necessary for developing mines, timber lands and other real estate, and to improve the same, including the construction and operation of the said light, heat, power, refrigerating, transportation, railways, canals, dams and other plants; to manufacture, sell and deal with the products and the property of the manufacturing plants authorized by this charter, which shall include all and any kind of manufacturing plant deemed necessary and desirable by the corporation for general manufacturing enterprises. And the corporation is hereby invested with the powers contained in sections sixteen hundred and ninety-eight, sixteen hundred and ninety-nine, seventeen hundred, seventeen hundred and one, seventeen hundred and two, seventeen hundred and three, seventeen hundred and four, seventeen hundred and five, seventeen hundred and six and seventeen hundred and eight of The Code of eighteen hundred and eighty-three (1883), and to have generally all the powers, privileges and franchises necessary and proper to carry into full effect the purposes and plans of this corporation.

Powers contained in sections 1698-1708 of Code included.

First meeting, how held.

Sec. 3. That no notice of publication of the first meeting of the said corporation shall be required, but the same may be held at such time and places as the said corporation or a majority of them may determine, at which meeting they may submit and adopt preliminary by-laws, elect such officers and agents as may be deemed proper and desirable, to hold office for such terms as may be provided, and until others are duly elected or appointed, as may be provided by the by-laws, and fix the duties and compensation to be paid such officers and agents, and determine upon the number of the board of directors to be elected. They shall fix the amount of the capital stock of the corporation and the value of the shares thereof, which said capital stock shall not exceed one hundred and twenty-five thousand dollars at the organization of the company, but may be increased from time to time by vote of the stockholders, after a written license so to do is granted by the Secretary of State, which license shall be granted after payment to the State Treasurer of forty cents per thousand on such increase, in the manner provided by the Public Laws of North Carolina, Acts of 1901, chapter 2; and they may open books of subscription to the capital stock, and when twenty-five thousand dollars worth of shares shall be subscribed the subscribers may meet upon ten days' notice given by any two of the incorporators, and if a majority of such subscribers be present, in person or by proxy, they may elect a president and board of directors, who, when elected, may do and perform all the acts necessary to the complete operation of the corporation and to carry into effect the objects of this charter.

By-laws, officers.

Capital stock, amount.

Shares.

Increase of capital stock.

Subscription books.

Notice to subscribers to meet.

Proxies.

President and directors.

Capital stock, how paid for and issued.

Sec. 4. That said corporation may issue its capital stock for money paid into its treasury, or in payment for property, real or personal, or the services rendered to the corporation, in such amounts as the directors may provide or order, and all stock so issued shall be deemed to be, and be, fully paid up stock, and the holders thereof shall not in any event be liable personally for any debt or obligation contracted by the corporation. Subscribers to the capital stock shall be liable only to the extent of their subscription.

Non-liability of stockholders.

Liability of stockholders.

By-laws, amounts and classes of stock, transfer.

Each share one vote.

Sec. 5. That the by-laws may prescribe the classes and amounts into which such stock may be divided, the face value of the shares, the manner of paying for the same and transfer thereof, and each share shall entitle the holder to one vote in all the meetings of the stockholders and elections by them held.

Annual meeting of stockholders.

Day selected by by-laws.

Sec. 6. That there shall be an annual meeting of the stockholders on such day in each year as may be fixed by the by-laws, and in case such meeting is not held on such day, for any cause, it may be held at any time thereafter appointed by the board of directors, or upon the call of the stockholders holding one-fifth of the stock of the corporation. Other meetings may be called as provided by the by-laws.

Call meeting.

Principal office.

Sec. 7. The principal office and the place for holding the annual meeting shall be at Thomasville, North Carolina, but the corporation may establish offices and agencies and transact business at such other points within the State, or elsewhere, as the corporation may deem advisable.

Branch offices.

Power to merge or subscribe to other corporations.

Sec. 8. That the said corporation shall have the power to organize, connect with, or subscribe to the capital stock, bonds, or other securities of other corporations and to hold the same, or to exchange its own stock, bonds and securities with other corporations, which may be engaged in or organized for the conduct of any business or enterprise which may be included under any of the provisions and franchises of this charter, and shall have the power to sell, mortgage or lease any part or the whole of its plant or plants, property and franchises to any other company, corporation or individual, and the company, corporation or individual purchasing the same shall take the same with all the franchises herein granted as appurtenant, and shall manage and use the same under its own corporate or company name or individual management: *Provided*, that nothing herein contained shall authorize the use of this charter and the powers therein granted for the purpose of effecting a consolidation or consolidations of any competing railroad doing business in this State.

Power to sell or mortgage plant.

Proviso, not to merge with competing railroads.

Power to issue bonds.

How secured.

Sec. 9. That this corporation shall have the power to issue bonds in such amount as it may deem expedient, to sell and dispose of such bonds, and to secure the payment of same by mortgage or deed of trust upon any part or all of its property or franchises.

Injury to property of company a misdemeanor.

Penalty.

Sec. 10. That if any person or company shall obstruct or destroy any of the plant, property, railways, water-ways, roads, conduits or any other lines or equipment of the corporation, by cutting trees into or across the same, or by ditching, embankment, or in any other manner whatsoever, they shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned, or both, in the discretion of the court, and the corporation is hereby fully authorized to remove any such obstruction.

Period of existence.

Repealing clause.

Forfeiture for non-user.

Sec. 11. That the corporation is hereby granted all the privileges contained in this charter, to them and to their associates and successors for sixty (60) years, and all laws or parts of law in conflict with this act are hereby repealed in so far as they affect this corporation, and no further. Unless this corporation shall organize and begin operations within three years this charter shall be forfeited.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 104.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF FREMONT.

The General Assembly of North Carolina do enact:

School district.

Section 1. That all the territory embraced within the following bounds, including the town of Fremont, to-wit: Beginning at Seven Bridges across Nahunta Swamp and running the Fremont Road to the line between the heirs of Jesse T. Aycock and M. T. Johnson; thence with said line to Betsy Peacock's corner; thence with Peacock and Johnson line to the road leading from Fremont to Eureka; thence down said road nearly east to the line between W. H. Peacock and M. M. Mumford; thence with the said W. H. Peacock's line to Aycock's Swamp; thence down said swamp to the Quaker Road; thence nearly north with the Quaker Road to the northern boundary of the Isaac Daniel Farm; thence with the Daniel and Whitley line to the Blaylock line; thence with the Blaylock line to John Moore's line; thence with Moore's line to Bass' Swamp; thence down Bass' Swamp to the line between John E. Smith and Joshua T. Aycock; thence with said line around J. E. Smith's farm to J. C. Hooks' line; thence with J. C. Hooks' line to Edmundson line; thence with Edmundson line to Burnt Swamp; thence up Burnt Swamp to the Kenly Road; thence west with the said road to cross-roads near J. E. Hooks'; thence nearly south with said road to Nahunta Swamp at Scott's crossing; thence down said Nahunta Swamp to the beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the Fremont Graded School District.

Boundaries defined.

Description.

Name.

County commissioners to submit question to qualified voters, when.

Sec. 2. That the Board of Commissioners of Wayne County are hereby authorized to submit to the qualified voters of said graded school district, within forty-five days after the ratification of this act, at an election to be held in the town of Fremont, the question whether an annual tax shall be levied and collected for the graded school of said district.

What to submit.

Ballots.

Sec. 3. That at the election held under the provisions of this act, those favoring the levying and collecting of such tax shall vote a written or printed ballot without device with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a written or printed ballot without device with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. The Board of Commissioners shall give twenty days' notice of the time of holding said election in a newspaper published in the said graded school district. The Board of Commissioners of said county shall appoint a registrar of the

Illegal voting, penalty.

Notice of election.

Registrar.

New registration. voters of said district, who shall be a qualified voter of said district, and who shall make an entirely new registration of such

Judges. voters, and the said Board of Commissioners shall appoint two judges of election, who shall be qualified voters of said district,

Election, how held. and they, together with the said registrar, shall hold the election herein provided for, which shall be held under the rules and regulations provided by law for the election of the members of the

Result, how determined. General Assembly, and upon the conclusion of the said election they shall canvass and judicially determine the result, and shall certify to the Board of County Commissioners the number of votes cast for schools and the number of votes cast against schools, together with the number of qualified voters shown by the registration books of the said district.

If majority for schools. Sec. 4. That if a majority of the qualified voters of said district shall vote "For Schools," the said tax shall be levied by the Board

Duty of sheriff and commissioners. of County Commissioners and collected by the Sheriff or Tax Collector under the same rules and regulations under which other taxes are levied and collected, and the Sheriff or Tax Collector

Official liability and compensation. shall be subject to the same liabilities for the collection and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such services two per

Proviso. centum commission: *Provided*, that the special taxes so levied and

Amount, poll and property. collected shall not exceed forty cents on the one hundred dollars valuation of property and one dollar and twenty cents on each poll.

To pay over to school treasurer. The said Sheriff or Tax Collector shall pay the amount so collected under this act to a treasurer elected by the board of trustees of said graded school district, as hereinafter provided for.

Tax, how expended. Sec. 5. That the special taxes levied and collected under this act shall be expended in keeping up separate schools for the white and colored children in said district between the ages of six and twenty-one years.

Board of trustees, personnel. Sec. 6. That the following persons shall constitute the board of trustees of said graded schools: C. C. Aycock, John B. Exum, J. D. Davis, G. D. Best, W. M. Darden, J. T. Hooks, O. L. Yelverton,

Tenure. three of whom shall hold office for three years, four of whom shall hold office for six years (those holding office for three years and those holding office for six years to be named by the said board),

Vacancies. and all vacancies occurring in said board of trustees for any cause shall be filled by said board of trustees for the term of six years, except in case of death or resignation, and in the event of either of these cases, for the unexpired term of the trustees so dying or resigning; said board shall have the power to employ and fix the

Superintendent of schools, duties of. compensation of a superintendent for both of said graded schools, to require the said superintendent to keep a record of all proceedings of the board of trustees, also to examine all applicants applying for the position of teacher in said graded schools; said board

Teachers, compensation. shall have the power to employ and fix the compensation of such

teachers as they and the superintendent, upon consultation, after examining papers of applicants, shall deem qualified, and to do all such other acts as are necessary to carry on said schools.

Treasurer of school trustees. Tenure.

Sec. 7. That said board of trustees shall elect a treasurer, who shall hold his office for three years, and he shall give a good and sufficient bond in the sum of $2,500, to be approved and accepted by the said board of trustees, and the same shall be filed and recorded as other official bonds.

Official bond.

Funds, how held and disbursed.

Sec. 8. That the moneys received as aforesaid shall be held by the treasurer, to be disposed of under the direction of said board of trustees, whose warrants signed by the chairman and two other members of said board of trustees shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law.

Public school fund under general law, how applied.

Sec. 9. That the public school money which may from time to time be collected and apportioned under the general school law for general purposes for the children in said district, and moneys to which said school district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the treasurer elected by the board of trustees of said school district, and shall be applied to keeping up said graded schools under the order and direction of the board of trustees of said graded schools.

Trustees to provide school building.

Sec. 10. That the board of trustees of the said graded schools shall have power to secure by purchase, rent or otherwise from the stockholders of the Fremont High School Company the High School property, and to secure from the County Board of Education such reasonable assistance as may be needed to enlarge the school buildings of the graded schools.

Public school property to be held by trustees.

Sec. 11. That the property, both real and personal, of the public schools of said district shall become the property of said graded schools, and shall be vested in said board of trustees and their successors in trust for said graded schools: *Provided*, that in the

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case of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said public schools of said district.

Property to revert on discontinuance of school.

Trustees to publish statement of expenses.

Sec. 12. That the board of trustees shall publish in a newspaper published in the graded school district an annual itemized statement of the receipts and expenditures on account and for the said graded schools.

If majority fail to vote for schools.

Sec. 13. That if at the election provided for in this act a majority of the qualified voters of said district shall not vote "For Schools," then the Board of Commissioners of Wayne County shall, within thirteen months after the ratification of this act, submit to the qualified voters within the above named school district, the question whether an annual tax shall be levied for the graded schools of the above named district, and that the election shall be under

Second election, when to be held.

How held. the same rules and regulations provided for the election to be held within forty-five days after the ratification of this act.

Non-resident scholars. Sec. 14. That the trustees of the said graded schools may, in their discretion, permit persons above the school age or who are non-residents of the said district to attend the said schools upon

Tuition fees. the payment of such reasonable tuition fees as the board of trustees

Proviso. may establish: *Provided,* there shall be accommodations more than adequate for the children of school age within said district.

Repealing section. Sec. 15. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 105.

AN ACT TO INCORPORATE THE TOWN OF LAWNDALE, IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Lawndale incorporated. Section 1. That the inhabitants of the town of Lawndale shall be and they are hereby made a body politic and corporate, and said

Corporate name. corporation shall bear the name and style of "Lawndale."

Corporate limits. Sec. 2. That the corporate limits of said town of Lawndale shall

Boundaries. be as follows: Beginning on a stone on the west side of First Broad River at an abutment of old bridge on the old Lincoln and Rutherford Road, and running thence south 51 degrees east, crossing the river 250 feet to a stone 150 feet distant from the east bank of the river; thence up the river as it meanders and parallel with the east bank of the river by a line 150 feet distant from said east bank to a pine opposite the Cleveland Cotton Mills dam at Lawn-

Description. dale, which pine is also 150 feet from east bank of the river; thence north 5.45 degrees east 680 feet to a stake; thence north 30.15 degrees E. 1,616 feet to a stone; thence north 28 degrees east 830 feet to a pine near Piedmont High School building; thence north 3.30 degrees east 326 feet to a stake; thence north 16.30 degrees west 1,033 feet to a post-oak beyond Maple Creek; thence south 84.45 degrees west 290 feet to a red-oak; thence north 76 degrees west 605½ feet to a white-oak on the public road from Lawndale to Cleveland Mills; thence south 1 degree east 1,100 feet crossing the river to a stake on sand-bar of west bank of river; thence south 50 degrees west 2,672 feet to a stake at Cleveland Cotton Mills line; thence with said line south 83 degrees west 701½ feet to a stake near a private road; thence south 12.45 degrees west 2,090 feet to a stake; thence south 46.30 degrees west 736 feet to

a stake; thence south 45.45 degrees west 198 feet to a stake; thence south 52.30 degrees west 240 feet to a stake; thence south 50.45 degrees west 212 feet to a stake; thence south 82 degrees west 404½ feet to a stake on old Lincoln and Rutherford Road; thence south 30.25 degrees east 292 feet to a stone in south fork of Shelby and Lattimore public roads; thence north 79 degrees east 487½ feet crossing Lawndale Railroad to a stake; thence north 72.25 degrees east 445 feet to a stake; thence north 70 degrees east 594 feet to a stake; thence north 77 degrees east 727 feet to a stake; thence south 75 degrees east 297 feet to a stake; thence north 66 degrees east 148 feet to a stake; thence north 77.30 degrees east 191½ feet to the beginning. Corporate limits defined.

Sec. 3. That the officers of said town shall consist of a Mayor and five Aldermen, to be elected in accordance with the general laws regulating elections in towns and cities. And the Commissioners shall have the right, and it shall be their duty, to appoint a Town Constable and such other minor officers as they may deem wise and as may be required for the more effectively carrying out the purposes of said corporation. Officers. Mayor and aldermen. Constable, minor officers.

Sec. 4. That until their successors shall be elected and qualified, the following persons shall be the Commissioners of said town, to-wit: H. F. Schenck, G. P. Cansler, Andrew Newton, J. H. Foyle and William McCurry; and said Commissioners shall elect a Mayor and appoint a Town Constable and such minor officers as may be required, and the persons so elected or appointed shall perform the duties of their respective positions until their successors shall be duly elected and qualified, or appointed and qualified, as the case may be. Temporary officers, personnel.

Sec. 5. That all roads within the incorporate limits of the said town of Lawndale which are now public roads, and all new roads which may hereafter be created and established as public roads by the proper county authorities, lying within the incorporate limits of said town of Lawndale, shall be under the same control and shall be worked in the same manner as are all other public roads in the county of Cleveland outside of incorporated towns, except that the residents of the town of Lawndale, subject to road duty, shall not be required to do any work upon roads lying without the incorporate limits of said town, but they shall be subject to road duty within said limits in the same manner and to the same extent as other citizens of the county. That the town of Lawndale shall not be required to keep in repair and in good condition the aforesaid public roads, or any bridges upon said public roads, nor shall said corporation be liable for any damages for injuries to any persons occasioned by the defective condition of said roads or bridges. Roads within Lawndale, how worked. Residents relieved from public road duty. To work upon roads within corporate limits. Lawndale not required to keep roads in good condition. Non-liability for damage.

Sec. 6. That it shall be the duty of the Town Constable to preserve the peace and order of said town by suppressing disturbances Constable, duties of.

Powers of.

and apprehending offenders, for which purpose he shall have all the powers and authorities vested in sheriffs or county constables;

To execute process.

execute all criminal and civil process and precepts and notices of every character lawfully directed to him by the Mayor of said town or the Board of Commissioners thereof, or others, and in the execution thereof he shall have the same powers anywhere in the county of Cleveland as the Sheriff or Constable thereof may have. Such

Jurisdiction of constable.

Town Constable shall have the same power to apprehend in the limits of said town, or county of Cleveland, all offenders against the State as the Sheriff and Constable of said county have, and to carry such offenders before the Mayor of said town, and in this respect he shall be bound by the same rules as the constables of said county.

Commissioners of town to adopt By-laws, etc.

Sec. 7. That the Board of Commissioners of said town shall have the power and right to adopt such rules and regulations for the effective policing of said town as they may deem necessary, and take all necessary steps for the proper enforcement of same, and said Board of Commissioners shall have the right and power to adopt such rules and regulations for the preservation and protec-

How enforced.

tion of the health of the town as they may deem necessary, and to take all necessary steps for the proper enforcement of same.

Chapter 62 of Code applicable.

Sec. 8. That said town shall have the benefit of and be subject to all the provisions of chapter 62 of The Code and all laws amendatory thereof, and shall have the benefit of and be subject to all

Proviso.

the provisions of all general laws regulating towns and cities, except in so far as said chapter and the aforesaid laws are modified and changed by the foregoing provision of this act.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 106.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Election to be held, when and where. Purpose of.

Section 1. That there shall be an election held in the town of Greenville on the first Tuesday in April, 1903, for the purpose of taking the sense of the qualified voters of said town on the question of

To maintain schools and issue bonds.

establishing and maintaining a graded school therein for each race, and issuing coupon bonds to the amount of ten thousand dollars for the purchase of sites, erection, repair and equipment of the necessary buildings therefor.

Sec. 2. That said election shall be held at the same time and place as the election is held which is authorized by an act passed at this session of the General Assembly for the purpose of taking the sense of the voters of said town on the question of issuing coupon bonds to the amount of sixty-five thousand dollars for the purpose of constructing and installing a system of electric lights, water-works and other improvements in said town. The election provided for in this act shall be held and conducted by the same registrars and judges of election and under the same registration as the election aforesaid for issuing sixty-five thousand dollars of bonds, and the returns shall be made, counted and the result declared in like manner as in said election. But a separate box shall be provided for the election provided for in this act, and the voters shall vote in this election on a separate ballot from that on which they vote in the box for the other bonds. Those who favor establishing the schools and issuing the bonds hereinafter provided for, for the erection of the necessary buildings and levying the necessary tax for the maintenance of the schools and the payment of the interest on said bonds, shall vote a ballot on which shall be written or printed the words "For the Schools," and those who are opposed thereto shall vote a ballot on which shall be written or printed the words "Against the Schools."

When and under what provisions held.
Registrars and judges.
Registration.
Result, how declared.
Separate box.
Ballots.
What to state.

Sec. 3. That if a majority of the qualified voters of said town at said election shall vote in favor of establishing the schools as provided for in this act, it shall be the duty of the Mayor and Board of Aldermen of said town to cause to be prepared at the earliest possible day ten thousand dollars of interest-bearing coupon bonds, of the denomination of one hundred dollars each, to be numbered consecutively from one to one hundred, inclusive. The said bonds shall be issued in the name of the said town, be signed by the Mayor, countersigned by the clerk of the Board of Aldermen, and shall run for thirty years and bear five per cent. interest per annum, payable semi-annually on the first days of January and July of each and every year. The coupons on said bonds shall be receivable in anything due the town. The Board of Aldermen shall sell and dispose of said bonds as early as practicable and for the best obtainable price, but they shall sell no bond for less than its face value. The said board shall keep a record of each bond sold, to whom sold, and the price obtained. The said board shall cause the proceeds of the sale of said bonds to be turned over to the Town Treasurer, who shall hold and pay out said proceeds as hereinafter provided, and shall give such bond for the faithful custody and accounting for said funds as may be required by the Board of Aldermen.

If majority for schools.
Duty of mayor and aldermen to issue bonds.
Style of bonds.
To run thirty years.
Five per cent. semi-annual interest.
Receivable for taxes.
How to be sold.
Proceeds of sale.
How disbursed.

Sec. 4. It shall be the duty of the Board of Aldermen to cause to be levied and collected, at the same time that other taxes are levied and collected, a sufficient tax on the real and personal prop-

Tax to be levied and collected.
Amount, poll and property.

erty and other taxable subjects and on the taxable polls in said town a sufficient tax to meet the prompt payment of the interest on said bonds as the same may fall due and become payable.

Purpose of tax.

If majority for schools.

Special tax to maintain school for thirty-two weeks.

Amount, poll and property.

Other subjects of taxation.

Sec. 5. That if it shall be declared that a majority of the qualified voters of said town shall have voted in favor of establishing said graded schools, then it shall be the duty of the Board of Aldermen of said town to levy and cause to be collected, at the same time that other taxes are levied and collected, a sufficient tax to maintain said schools for a period of not less than thirty-two weeks each year, which tax shall not be less than fifteen cents on the one hundred dollars worth of property and forty-five cents on each taxable poll, and not more than forty cents on the hundred dollars worth of taxable property and one dollar and twenty cents on each taxable poll. In addition to the taxes on the property and poll as aforesaid, the said board may levy a tax for the support of said schools on all other subjects taxed by said town.

Schools declared established.

Fourteen trustees to be elected.

When and how.

Tenure of trustees elected.

Who declared elected.

Regulations governing election.

Vacancies, how filled.

Sec. 6. That if it shall appear that a majority of the qualified voters of said town have voted in favor of establishing said graded schools, then such schools are hereby declared established. That at the election above provided to be held on the first Tuesday in April, 1903, there shall be also a separate election to determine and select fourteen trustees of said school, and a separate box provided for same, which trustees shall be the trustees of the said school for the terms for which they have been elected, in event the said schools have been established as above provided, to-wit: Two persons whose terms shall expire on the 30th day of June, 1904; two persons whose term of office shall expire on the 30th day of June, 1905; two persons whose term of office shall expire on the 30th day of June, 1906; two persons whose term of office shall expire on the 30th day of June, 1907; two persons whose term of office shall expire on the 30th day of June, 1908; two persons whose term of office shall expire on the 30th day of June, 1909, and two persons whose term of office shall expire on the 30th day of June, 1910. That the two persons receiving the highest number of all the ballots cast for each term shall be declared to be the school trustees for the term of office designated. That the election of said trustees shall be held under the same rules and regulations as govern the election on the bond issue above provided for. It is further enacted, that as the term of each class expires the vacancy shall be filled by the Board of Aldermen at an election to be held at the first regular meeting of the said board after the expiration of said terms respectively, and the persons so chosen shall hold for seven years, and any other vacancy occurring in said board of trustees by resignation, death or otherwise shall be filled by an election by the Board of Aldermen, and the person so chosen shall hold for the unexpired term of the trustee whose vacancy he is appointed to fill.

Sec. 7. That said board of trustees shall have the general control and management of the said graded schools, and they may determine the location, character and equipment of the buildings therefor, which shall not cost in the aggregate to exceed the sum of ten thousand dollars, and they may employ such teachers and officers for each of said schools as they may deem proper and fix the compensation thereof. They may appoint an executive committee of their number, who shall have the more direct control and management of such schools under such rules and regulations as the board of trustees may prescribe, and the said board, if they shall deem it advisable to do so, may appoint a committee of colored persons to aid the board in looking after the interest of the colored graded school under such rules and regulations as the board of trustees may prescribe.

Trustees to have control of graded school.

Teachers and officers, compensation.

Executive committee.

Negro committee for negro school.

Sec. 8. That the persons elected as trustees of the graded school are hereby constituted and appointed trustees of Pitt Academy, and they, together with W. M. B. Brown, S. B. Wilson, A. W. Moye, J. B. Chevry and W. H. Tucker, the surviving members of the trustees of Pitt Academy, shall be and they are hereby appointed the Board of Trustees of Pitt Academy.

Trustees of Pitt Academy, personnel.

Sec. 9. That if the trustees of the graded schools shall deem the ground on which Pitt Academy is now located a suitable place for the location of the graded school for the white race, then said school may be located thereon with the consent of the trustees of the said academy; but if the trustees of the graded schools shall deem some other location more suitable, then the Board of Trustees of Pitt Academy as herein constituted may, if they shall deem it advisable to do so, sell said academy and all the lands belonging thereto in such manner and on such terms as they may deem best, make good title to the purchaser and invest the proceeds of such sale in the purchase of the location and in the erection of buildings for the graded school for the white race.

Location of school for white race.

Academy may be sold.

Sec. 10. That if the trustees of the graded schools shall deem the present location of the public school building for the colored race a proper location for the graded school buildings for that race, they may locate the graded school at that point, and with the consent of the proper school committee and the County Board of Education use the public colored school building for that purpose, and make such changes and additions thereto as they may deem proper.

Location of school for negroes.

Sec. 11. That the proceeds of the sale of the bonds provided in this act shall be used exclusively for the erection and equipment of suitable buildings for the graded schools for the whites and such enlargement and equipment of the colored school buildings as may be necessary, and said buildings shall be construeted and equipped and said fund expended under the sole direction of said board of

Proceeds of sale of bonds, how applied.

By whom expended.

trustees of said graded schools. And to this end it shall be the duty of said board of trustees to determine the location and the character of the building for the white graded school and the needed enlargement, if any, of the building for the colored graded school. But if the said board shall deem it better to select another location for the colored graded school, the said board is hereby fully authorized and empowered to purchase a site therefor and erect and equip the necessary buildings thereon. And it shall be the duty of said board, as soon as possible after the ratification of this act by the qualified voters of the town of Greenville, to determine said location and to proceed as speedily as possible with the erection and enlargement of the buildings for said school. The said board may have said buildings erected and enlarged by contract or in such other way as they may deem best, and it shall be the duty of the Treasurer of said town to pay for the same out of the proceeds of the sale of said bonds upon the order of the board of trustees, signed and countersigned in such manner and under such rules and regulations as they may prescribe. But said board of trustees shall keep a record which shall show in detail the manner in which the said fund has been expended by them. The Town Treasurer shall also keep a separate account of his receipts and disbursements of this fund, and he shall make a report to the Board of Aldermen from time to time of his dealings therewith, and he shall be allowed as his compensation in receiving and paying out this fund two and one-half per cent. commission on his disbursements.

Purchase sites and erect buildings.

Erection of buildings.

How paid for.

Vouchers for payment.

Record to be kept by trustees.

Town treasurer to keep fund separate and make report.

Compensation.

Scholars in corporate limits.

Free tuition.

Whites and negroes to have separate schools.

Proviso, non-resident children.

Tuition of.

Sec. 12. That all children within the corporate limits of said town as now constituted, or as they may be hereafter extended, who are entitled to attend the public schools, shall be admitted into said graded schools free of charge: *Provided always*, that the whites shall attend the schools provided for them and the blacks the schools provided for them: *Provided further*, that the board of trustees shall have power to admit the children to either of the said schools who reside outside of the corporate limits of said town upon such terms as they may deem fair and just.

Corporate limits a school district.

Trustees may extend boundaries.

Trustees to acquire title to school property.

Sec. 13. That the corporate limits of said town shall constitute a school district for each race, but the trustees of the graded school and the persons charged by law with the duties of locating and managing the various school districts in the county of Pitt may extend the boundary of the graded school district so as to take in territory and people not included within the corporate limits of said town. And the board of trustees may enter into negotiations with the school committee of the district in which the said graded schools are situated and the County Board of Education looking to acquiring the title to the lands and the school buildings for the white and for the colored races belonging to said school committee on such terms as may be agreed upon, and the

sale of these buildings and the investment of the proceeds in the graded school buildings for such races respectively. And the said board of trustees shall have full power and authority to receive, use or hold any donations, gifts, devises and bequests made for either or both of said graded schools. Donations.

Sec. 14. That portion of the public money belonging to the common school fund which would properly belong to that portion of the Greenville District which is embraced in the graded school territory shall be appropriated to the graded schools herein established, and shall be made over to the Treasurer of the town of Greenville and shall be used by him for the support of said graded schools and for no other purpose, and shall be reported and accounted for as other moneys belonging to said graded schools. Public fund, disposition of. Report of treasurer.

Sec. 15. That chapter 497 of the Public Laws of 1901, being an act entitled "An act to establish graded schools in the town of Greenville, N. C.," and every part thereof, is hereby repealed. Chapter 497, Public Laws 1901 repealed.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 107.

AN ACT TO INCORPORATE THE PIEDMONT INDUSTRIAL SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That J. A. Baldwin, J. P. Leak, F. C. Abbott, E. A. Osborne, Geo. H. Atkinson, Heriot Clarkson, C. P. Wheeler, E. A. Smith, T. C. Guthrie, L. D. Duval, W. W. Hagood, Geo. A. Gray, Chas. H. Ireland, R. N. Page, R. L. Steele, W. T. Jordan, J. T. McGee, J. H. Ross, A. C. Barron, G. H. Detwiler, R. C. Holland, A. H. Washburn and William Entwistle, and their successors and associates, be and they are hereby constituted and created a body politic or corporation under the name of "The Piedmont Industrial School." Incorporators. Corporate name.

Sec. 2. That said corporation shall have perpetual succession; may have and use a common seal, which it may alter at pleasure; shall be capable in law to sue and be sued, implead and be impleaded in all the courts of this State; to take, demand, receive, hold and possess all lands, moneys, goods and chattels as natural persons may do under the laws of this State, by purchase, gift, will or otherwise, and may convey said property absolutely, by deed Corporate powers and privileges.

or by way of mortgage or deed of trust, as the corporation may determine; to elect, in such manner as it may determine to be proper, all necessary officers, and to fix their compensation and define their duties and obligations, and to make by-laws and regulations consistent with the laws of the State, for its own government and for the due and orderly conducting of its affairs and the management of its property.

Power to establish a school, where.

Sec. 3. That the said corporation shall have and is hereby given the power to maintain and operate at or near the city of Charlotte, in the county of Mecklenburg, a school for the instruction of white youth of both sexes in the common school and academic branches,

Normal and industrial training.

the best mode of practical industry and its appliance to agricultural, domestic and technical arts; and to teach and give instruction in all branches and departments of useful and industrial knowledge; and for these purposes shall be and is hereby authorized to do all such acts and make all such contracts as may be proper and necessary.

Capital stock, amount.

Sec. 4. That the authorized capital stock of said corporation shall be one hundred thousand dollars, divided into ten thousand

Shares.

shares of the par value of ten dollars per share; that the corporation shall be authorized to begin business with two thousand

When to begin business.

dollars of capital stock, to be divided into two hundred shares of the par value of ten dollars per share; that the corporation shall

Increase of capital stock.

be authorized to increase its capital stock and issue the same from time to time to an amount not exceeding in the aggregate one hundred thousand dollars.

First meeting, where and when held.

Sec. 5. That the first meeting of the corporation shall be held in the Y. M. C. A. building in the city of Charlotte, North Carolina, on such day within sixty days after the ratification of this

Notice of

act as may be designated by said J. A. Baldwin. Notices of the same shall be mailed by said Baldwin ten days prior to the date thereof to each incorporator; that at said meeting five of the above

Quorum.

named incorporators shall constitute a quorum, and the power to organize the said corporation is hereby conferred upon the five or more of them who shall attend this meeting.

One-fourth of capital stock subscribed a quorum.

Sec. 6. That at any meeting of the stockholders of this corporation one-fourth of the capital stock subscribed at the time of such meeting shall constitute a quorum for the transaction of business, and a majority vote of said quorum shall be binding upon the corporation and the entire stockholders thereof.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 108.

AN ACT TO ENABLE ASHEVILLE ELECTRIC COMPANY TO CONSOLIDATE WITH OR OTHERWISE TO ACQUIRE THE PROPERTY OF CERTAIN OTHER CORPORATIONS.

The General Assembly of North Carolina do enact:

Asheville Electric Company.

Section 1. That the right, power and authority is hereby given and granted to Asheville Electric Company, a corporation created by chapter 239 of the Public Laws of North Carolina, passed by the General Assembly at its session in the year 1897, and doing business in the county of Buncombe in said State, to consolidate with, or otherwise to purchase, acquire, own, hold, maintain, use and dispose of all the rights, rights of way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of the following named corporations, and any and every of them, organized under the laws of the State of North Carolina and now having their principal places of business respectively in the city of Asheville, county of Buncombe and State of North Carolina, to-wit: Inter-Montane Railroad Company, Asheville and Biltmore Street-railway and Transportation Company, Asheville Street Railroad Company and Asheville Lighting Company, or any other corporation or corporations now incorporated or hereafter to be incorporated under the laws or any statute or statutes of the United States, or any of the States thereof, or of this State; and authority and power is hereby given to the said above named corporations, and any and every of them, and any and all of such other corporations now incorporated or hereafter to be incorporated as aforesaid, to make, enter, enter into and carry out, each for itself, an agreement or agreements whereby the said Asheville Electric Company shall become consolidated with or shall otherwise purchase or in any manner acquire all of the property, rights and franchises of the said other named corporations and each and any of them, and of any and all such other corporations now incorporated or hereafter to be incorporated as aforesaid; and said other named corporations are, and each of them is, and all such other corporations now incorporated or hereafter to be incorporated, are, and every of them is hereby given and granted the right, power and authority to so consolidate with or to sell, transfer and dispose of all their rights, rights of way, permits, privileges, franchises, powers and property to said Asheville Electric Company, its successors and assigns, to be held, owned, used, sold and disposed of by it as one corporation.

Chapter 239 Public Laws 1897.

Privilege to merge with certain corporations.

What corporations to merge with.

How merger carried into effect.

Stockholders to fix terms of merger.

Sec. 2. That said consolidation with or purchase and acquisition of the property of any other corporation or corporations by said Asheville Electric Company as aforesaid, and said sale and

transfer by the said other corporations, and any of them, of all their said property to said Asheville Electric Company, shall be made on such terms and conditions and for such considerations as may be agreed upon by the stockholders in said Asheville Electric Company, and the stockholders of any such other corporation with which such consolidation shall be made or from which such purchase and acquisition shall so be made by a resolution or resolutions to be adopted in any general or special meeting of the stockholders of said Asheville Electric Company and such other corporation respectively, any such special meeting being duly called for the purpose of considering the same: *Provided, however*, that such resolution in each instance shall be adopted in a meeting of the stockholders of such corporation so proposing to consolidate with Asheville Electric Company or to sell and transfer its said property to said Asheville Electric Company by the affirmative vote of those owning or representing at least two-thirds of the entire capital stock of said corporation so proposing to consolidate with or transfer its property to said Asheville Electric Company.

General or special meeting.

Proviso.

Two-third vote requisite.

Purchase or merger, how executed.

Sec. 3. That when any such purchase, consolidation or acquisition, sale or transfer shall have been agreed to in the manner aforesaid by the holders of two-thirds of the capital stock of any corporation so considering the question of such consolidation, acquisition, sale or transfer, then the same shall be effected and carried out by the execution and delivery of a deed or other proper conveyance or transfer in the usual form for passing title of such property by the corporation so agreeing to such consolidation, acquisition, sale or transfer to the Asheville Electric Company, conveying and transferring by proper description all of the property, real, personal and mixed, including, beside other things, all the rights, rights of way, permits, licenses, powers, privileges and franchises of the corporation agreeing and consenting thereto, as aforesaid, to the said Asheville Electric Company, its successors and assigns, subject to all valid existing liens on said property, or any part thereof, and subject to all valid debts and claims against the corporation so making said deed or transfer; and said Asheville Electric Company shall have the right to assume as a part of the consideration of such conveyance and transfer of title, the payment of any or all such liens, debts and claims, and upon the execution and delivery of any such deed or transfer by any such corporation, the said Asheville Electric Company shall be and immediately become vested with a complete and full title to all the property, rights, powers, privileges and franchises conveyed thereby or intended so to be conveyed or transferred, with the right to own, operate, use, maintain, sell or dispose of all the rights, powers, privileges, permits, franchises and property theretofore owned, held or possessed by the corporation or corporations making such con-

Existing lines validated.

Upon delivery of deed Asheville Electric Company to have full rights.

veyance and transfer as one corporation, but subject, however, to all such conditions, limitations and provisions as such rights, permits, privileges, franchises and property were subject to when held by the corporations so conveying or transferring the same; but no such consolidation, acquisition, sale, conveyance, purchase and transfer, or any of them, shall have the effect or be construed to have the effect of destroying in any degree or to any extent the existence of said Asheville Electric Company or creating a new corporation instead thereof; but the said Asheville Electric Company shall, notwithstanding any such consolidation, purchase, acquisition, sale, conveyance and transfer, or any of them, continue to exist as heretofore under its present charter, with all the rights, privileges and powers thereby conferred as heretofore, and shall have also all the rights, privileges and powers hereby conferred in addition thereto.

Effect of merger on corporate existence and identity.

Sec. 4. That notwithstanding the conveyance or transfer of the property and franchises of any such corporation or corporations to the said Asheville Electric Company, as hereinbefore provided, the existence of such corporation or corporations, respectively, shall continue so long as any of its shares of capital shall not have been acquired by the said Asheville Electric Company, for the purpose only of protecting the interests of said stockholders in said corporation or corporations as such, and in all meetings of the stockholders of any such corporation thereafter held the said Asheville Electric Company shall continue as at present to have the right to represent all the stock which it may hold or may have acquired or purchased as aforesaid in any such corporation, casting such vote as it may be entitled to on the number of shares of stock held by it and standing in its name on the books of such corporation: *Provided*, that, however, when it shall have acquired all the outstanding stock in any such corporation, and when and after such conveyance of the property, rights, powers and privileges and franchises of any such corporation has been made, such stock shall be cancelled and the existence of such corporation whose entire property and stock shall have been so acquired or transferred shall then cease and be at an end, and such corporation shall thereupon be and is annulled and dissolved.

Continuation of corporate existence, when to cease.

Proviso.

Corporation, when dissolved.

Sec. 6. That any stockholder in any corporation so agreeing to such consolidation, acquisition, sale, conveyance or transfer, who shall not vote in favor of such consolidation or acquisition, conveyance, sale or transfer of the property of such corporation as hereinbefore provided for, may within thirty days thereafter object to such consolidation or acquisition, sale, conveyance or transfer, which objection shall be in writing and filed within said thirty days with the president, secretary or treasurer of said Asheville Electric Company, and demand of said Asheville Electric Company

Objection to merger after vote.

Method of objecting.

payment for his said stock at its actual value in cash at the date of such vote, and if the price is agreed upon it shall be the duty of said Asheville Electric Company to purchase and take the same at such price, and if the price is not agreed upon, or the said Asheville Electric Company shall fail to take and pay for said stock at such agreed price, then such stockholder or Asheville Electric Company may at any time thereafter apply by petition to the Superior Court of Buncombe County, North Carolina, making said Asheville Electric Company or such stockholder or stockholders, as the case may be, parties defendant, setting forth the facts, and for the appointment of three disinterested freeholders of the said county as commissioners to assess and appraise the value of such stock of such stockholder or stockholders, and all further proceedings on such petition to final judgment shall be conducted as in other special proceedings, and the clerk of said court shall make such appointment, and the award of such commissioners, or any two of them, shall be final and conclusive when confirmed by the said court; and any two or more stockholders may join as petitioners or may be joined as defendants in one proceeding: *Provided, however*, that said Asheville Electric Company shall pay the costs and expenses of the appraisal and proceeding herein provided for, up to and including the filing of the report of such commissioners. Upon such confirmation by the court, said Asheville Electric Company shall take and pay for the so appraised stock at the valuation thereof as fixed by the said appraisal upon its being transferred and delivered to it, or it may pay the value thereof into the office of the Clerk of the Superior Court of said county for said stockholder or stockholders, and upon such payment such stockholder or stockholders shall cease to have any interest in said stock, and in the corporate property of the corporation which issued it, and said stock shall immediately become the property of the Asheville Electric Company, and upon the failure of said Asheville Electric Company to pay for such stock within thirty days after such confirmation by the court, then the amount of such determination or award shall be and become a judgment against said Asheville Electric Company, and shall be collected as other judgments of said court are by law collected: *Provided, however*, that said Asheville Electric Company shall not be required to pay the said judgment except upon the surrender and delivery to it of the certificate for said shares of stock or the deposit of the same in the office of the Clerk of the Superior Court of the said county for its use and benefit legally transferred; but no such stockholder, not under legal disability, shall be permitted to file such petition or answer to such petition or heard in regard thereto until he shall have filed in said proceeding his certificate or certificates of such stock duly endorsed, to be held by such court until such payment,

Stock, how sold, by stockholder to favoring merger.

Assessors.

Special proceeding.

Proviso.

Costs.

To pay appraised value.

Payment to clerk.

Transfer of stock.

Judgment.

Proviso.

Judgment, when to be paid.

or the payment of such judgment, and then to be delivered by said court to said Asheville Electric Company and together with such stock be and become its property. Failure to file objection.

Sec. 7. That any stockholder who shall fail to file his objections as required in section 6 of this act shall be deemed to have assented and agreed to such vote, consolidation, acquisition, sale, conveyance and transfer hereinbefore provided for, but if it appears that any stockholder is legally incapacitated from giving such legal assent, the court shall, upon application of the said Asheville Electric Company, or any person in behalf of such stockholder so legally incapacitated, appoint some suitable guardian *ad litem*, next friend or representative for such person, and the case shall then be heard and determined as if such stockholder had filed his objection as required by said section 6. And if at the time of any such agreement for consolidation, purchase, sale, acquisition, conveyance or transfer, or any time thereafter before it has been so appraised, any such stock shall be in the hands of a receiver or otherwise in *custodia legis*, then and in any such case such stock shall be appraised and transferred in the same manner and to the same extent as stock belonging to any such objecting stockholder upon petition as aforesaid, filed by or against the receiver or officer or person having control under the court of such stock, without the consent of the court appointing such receiver, or person having control, or court having such officer, and without the joinder of any person or persons having or claiming said stock or any interest therein. Guardian ad litem, when to be appointed. Same procedure applicable.

Sec. 8. That this act shall go and be in effect from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 109.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section 107 of chapter 100 of the Private Laws of nineteen hundred and one be and the same is hereby amended by adding at the end thereof the following: "*Provided, however*, for the purposes and benefits of this act and of any general school law, the City of Asheville shall be and constitute a public school district for both white and colored in the county of Buncombe." Section 107, chapter 100, Private Laws 1901 amended. Proviso. Asheville constituted a public school district.

Sec. 2. That section 110 of chapter 100 of the Private Laws of nineteen hundred and one be and the same is hereby amended by Section 110, chapter 100, Laws 1901 amended.

inserting between the word "city" and the word "and" in line three of said section the following: "the amount whereof shall be ascertained and determined each year by dividing the whole amount of school funds received by the County Treasurer of Buncombe County, less his commissions, by the total number of school children of school age in said county as determined by the school census for the preceding year, and by multiplying this quotient by the total number of children of school age in the Asheville district as determined by the school census for the preceding year."

Amount, how determined.

Subsequent legislation not to affect sections 104-113 of said laws.

Sec. 3. That no subsequent provision in any general law or in any private act shall have the effect to repeal or modify in any manner whatsoever any of the provisions contained in sections one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve and one hundred and thirteen of chapter one hundred of the Private Laws of nineteen hundred and one, or any of them, or in any amendments to any of said sections, by reason of the fact that such subsequent provision in any general law or in any private act may be inconsistent therewith, unless such subsequent provision in express terms refers to said section or the amendments thereto, and expressly repeals or modifies the same.

Repealing clause.

Sec. 4. That all laws and parts of laws inconsistent or in conflict with any of the provisions of this act are hereby repealed, and this act shall apply to the funds raised by the taxes levied in the year 1902 and each year thereafter.

Funds, what years applicable.

Sec. 5. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 19th day of February, A. D. 1903.

Chapter 110.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BAYBORO, IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Chapter 54, Private Laws 1881, chapter 26, Private Laws 1885 amended.

Section 1. That chapter 54 of the Private Laws of North Carolina, passed at the session of the General Assembly of 1881, and chapter 26 of the Private Laws of the session of 1885 amendatory thereto, being the charter of the town of Bayboro, in Pamlico County, is hereby amended as follows, to-wit: That the boundary lines of the said town be and the same are changed, and that the

Corporate limits defined.

following lines shall be the boundary lines of said town: Beginning at the branch and ditch where it crosses the road leading from Bayboro to Jones Bay just to the eastward of the residence of George T. Dawson, and runs thence in a north-eastwardly direction to the Sawyer Road, at the junction of the said road and the dividing lands of C. M. Bobbit and the lands formerly known as the John B. Quick land, now owned by George T. Dawson, and runs with said ditch and the course of the same to the westward line of C. M. Bobbit's line; thence a direct course from thence to a ditch known as the John F. Cowell ditch, that passes to the southward of his new house, and which ditch he has just cut, then with said ditch and the course thereof to the eastward line of the lands of Jack W. Miller; thence with the eastward line of said Miller lands to the main road, known as the mill-pond road, then with the mill-pond road eastwardly to the canal or ditch just to the westward of the colored school-house, then with said canal or ditch and branch to the north-west prong of Bay River, or Miller's Mill-pond, then up the said river or mill-pond westwardly to the dividing line of the lands of C. A. Flowers and John G. Ireland, then with the said Ireland's westward line to the main road leading from Bayboro to New Bern, then with the said road to the eastward line of Charles S. Weskett's lands, formerly the Thomas Campen lands, then with the eastward boundary line of said lands a straight line to the south-west prong of Bay River, then with the said Bay River, its various courses to the mouth of gut or branch that leads to the beginning, then with the various courses of said gut or branch to the beginning in the main road near the residence of the aforesaid George T. Dawson.

Description.

Corporate limits defined.

Description.

Sec. 2. That there shall be held on the first Tuesday in May, 1903, an election for Mayor and three Town Commissioners, and biennially thereafter on the first Tuesday in May an election shall be held for the purpose of electing a Mayor and three Commissioners for said town. That the Mayor and Town Commissioners of said town shall hold a meeting on the first Wednesday in each month for the purpose of transacting the business of said town. That all elections shall be held under the provisions of the general election law, except as herein amended, except that the Board of Town Commissioners shall appoint all registrars of elections for said town elections and all poll holders, and shall canvass all the votes cast at each election and issue certificates of election to the successful candidates, and in case of a tie in the vote of any two or more candidates they may decide by a majority vote of said board in favor of either and declare the results of all elections; and for the purpose of carrying out the provisions of this section the Board of Town Commissioners shall meet on the first Wednesday in April, 1903, and biennially thereafter on the first Wednesday in April, and

Election of town officers, when to be held.

Under what regulations held.

Registrars.

Result, how determined.

Tie votes.

Registrars and poll holders, when and how chosen. Registration.

appoint a registrar and two poll holders to hold said election, and the registrar shall be required to keep open the registration book for registration of voters for ten days only, being the ten days next preceding the day of election, Sundays excluded.

Commissioners to levy tax, when.

Sec. 3. That the Board of Town Commissioners shall on the first Wednesday in June in each year meet at their office or place of meeting for the transaction of the town's business and levy the town taxes for the fiscal year ending the 30th day of the month of June next succeeding, and shall cause two lists of taxable property to be made out, with the name of the tax payer and the amount of taxes thereon, one copy to be kept by the clerk of the board for the use of the Board of Commissioners, and the other to be delivered to the Town Tax Collector. That the said Board of Town Commissioners shall levy a tax on all the real estate lying within the corporate limits of said town, as treated by section one of this act, and upon all personal property and polls, observing the constitutional equation between the property and polls: *Provided*, the said Board of Commissioners shall not in any one year levy more than 25 cents on the one hundred dollars of value on real estate and personal property, or 75 cents on the poll, except hereinafter provided.

Tax lists.

What real estate taxed.

Property and poll.

Proviso.

Amount.

List taker, duties of.

Sec. 4. The Board of Town Commissioners shall meet on the first Wednesday in May, 1903, and on the first Wednesday in May each and every year thereafter, and appoint some suitable person to list all the taxable property in the town of Bayboro, and the said list taker shall sit at some convenient place in said town for two days during the month of May to receive the list of all taxable property in the said town from the property owners or their agents in said town, and the list taker shall give at least ten (10) days' notice of the time and place, when and where he will receive said tax lists, by advertisement posted at the court-house door and at the post-office at Bayboro and at some one other public place in said town. All persons being within the said town or owning property within said town subject to taxation shall be required to list the same with said tax lister under oath, in the same manner and form as listing property for State and county taxation and under the same restrictions and penalties: *Provided*, that all persons liable to a tax on either property or poll who shall refuse or fail to list his property with said tax lister as herein provided shall be charged a double tax thereon and be guilty of a misdemeanor, which double tax may be remitted to a single tax at the discretion of the Board of Town Commissioners or a majority of them, and the board may release the said tax payer from the misdemeanor and penalties if in their discretion they may so desire.

Notice to list taxes.

Return of taxes.

Proviso.

Failure to make return a misdemeanor.

Double tax.

Appraiser and assessors.

Sec. 5. The said Board of Town Commissioners shall constitute a board of appraisers and assessors, and as such shall have the power to fix the tax value of all taxable property in the town, real

and personal, and to raise or lower the values so as to equalize tax values of property, and for such purposes said board shall meet and sit at the Mayor's office, or some other place designated by them, on the first Wednesday in June in each year, beginning first Wednesday in June, 1903, from 10 o'clock A. M. to and until 4 o'clock P. M., and revise said tax list and hear all complaints of tax payers or their agents as to the over value or under value of property, reduction or remission of taxes, or any other complaint pertaining to the levy and collection of taxes, and to take such action as they may deem proper and just, and they may continue their sitting from day to day until they have completed and revised said tax list. When done they shall have the clerk of their board to prepare the two copies thereof as provided for in section three (3) of this act so as to deliver them all properly made to the said Board of Commissioners at their regular meeting on the first Wednesday in July of each year.

Duties of.

Over valuation.

Sec. 6. That on first Wednesday in June in each and every year, beginning first Wednesday in June, 1903, the said Town Commissioners shall meet and elect some suitable person as Town Tax Collector, and at the same time and place shall elect some suitable person as Town Clerk, who shall each hold their respective offices for one year or until their successor is duly elected and qualified; that the said Commissioners shall fix the amount of the bond of the said Tax Collector for the year, which shall be at least double the amount of taxes to be collected for the current or fiscal year, and the said Tax Collector when elected and inducted into office shall have all the powers to collect the taxes of the town as are conferred upon sheriffs and tax collectors in the State for the collecting of State and county taxes; shall have the power to levy upon, seize and sell personal property and real estate and to execute and deliver deeds for real estate to purchasers in the same manner and form and with the same effect as sheriffs and tax collectors levying upon and selling real and personal property for State and county purposes: *Provided*, if at such sale no purchaser can be found to purchase said property, then the same shall be struck off to the Board of Town Commissioners for the use of the town, for the amount of the taxes and costs thereon, and if the owner shall fail or refuse to redeem the same within twelve months from the date of sale, with ten per cent. added thereto, then the Tax Collector shall make a deed to the Board of Town Commissioners for the use of the town or to such other person or persons as may hold the certificates of sale or may be entitled to said deed or deeds, and the purchaser or purchasers at such tax sales shall, as soon as their deeds have been recorded in Register of Deeds office in the county, be entitled to summary proceedings in ejectment to obtain the pos-

Tax collector, when and how chosen.

Duties of collector.

Proviso.

Tax sales of land.

Right to redeem.

Property unredeemed.

session of the said lands before any justice of the peace in said county.

Bond of collector, when to be filed.

Sec. 7. The said Board of Town Commissioners shall meet on the first Wednesday in July in each year and receive the bond of the Tax Collector, and shall deliver the tax list to the said Tax Collector, with the amount of taxes due by each tax payer, and they shall authorize and empower the said Town Tax Collector to collect the taxes, and the Town Tax Collector shall proceed to collect same in the same manner and form as other tax collectors and sheriffs as herein provided: *Provided*, that all taxes listed as herein provided shall be as of the date of the first day of May in each year, and shall be due the first day of July in each year: *Provided further*, that the Tax Collector shall not be entitled to charge costs until he has actually made a levy on the property of the tax payer; that the said Tax Collector shall pay into the town treasury all taxes collected monthly on the first day of each month, and shall settle the entire town taxes by the first day of January in each year: *Provided*, the Board of Town Commissioners may extend the time not later than the first day of May: And *provided*, the Tax Collector shall settle all the taxes that may come into his hands for collection before he shall be entitled to receive the tax list or eligible to re-appointment as Tax Collector for the next or succeeding year, and the Tax Collector shall be entitled to the same commissions for collection of the said taxes as are now paid to sheriffs or tax collectors for the collection of State and county taxes.

Collection of taxes.

Proviso, tax year.

Proviso.

Disposition of taxes by collector.

Proviso.

Commissioners to extend time of payment.

Commissions of collector.

Additional taxes, franchises and license.

Sec. 8. That in addition to the taxes on real and personal property the said Board of Town Commissioners may levy taxes on all property, rights, privileges, franchises, etc., subject to taxation under the general State revenue law, known as Schedule B and C taxes: *Provided*, the said town shall not levy more than one-half of what the State levies: And *provided further*, they shall not levy any such tax on any thing, right, privilege or franchise that may be exempted by the laws of the State from such taxation, that all licenses issued by the said Board of Town Commissioners under the provisions of this section shall be for a term of six months from July 1st to December 31st and from January 1st to June 30th in each year: *Provided*, any person desiring a license to carry on any such right, privilege or franchise who may engage in the same after the first day of January or July may be allowed to do so by paying pro rata for the time from the time of beginning said business until the last day of December or June, as the case may be.

Schedules B and C Public Revenue Act.

Proviso, amount.

Proviso, what exempt.

License for six months.

Proviso.

Pro rata.

Roads and streets, repair of.

Sec. 9. That the said Board of Town Commissioners shall constitute the Board of Road Supervisors in said town, and as such shall have charge of the roads and streets and bridges in the said town and shall provide for the making, repairing and maintenance of the same, and to this end they may provide for the keeping or

repairing the same either by taxation or labor, or part taxation and part labor, and may levy taxes for the necessary keeping, repairing and maintaining the same, if they decide to keep them up by taxation, or by part labor and by part taxation, and if they should decide to keep them in repair by labor, then all male persons between the ages of 18 and 50 residing in the town shall be liable to work on said roads, streets and bridges, unless exempted by the said Board of Town Commissioners: *Provided*, that the said Board of Town Commissioners are hereby authorized and empowered to remit all poll taxes or any part thereof, provided the streets are kept up solely or in part by taxation, so as to equalize the burdens of the same between labor and property as in the judgment of said Board of Commissioners is just and equitable: *Provided*, that all male persons between the ages of 18 and 50 residing in the town on the first day of May in each year or shall move in after the first day of May, shall either pay a poll tax or work on the roads, streets or bridges in lieu thereof as the said Commissioners may decide: And *provided further*, that the said Commissioners shall not require more than six days' labor in any one year on the said streets and bridges, if kept up by labor wholly, or partly by labor and partly by taxation, and for the purposes of keeping up and maintaining the streets, roads and bridges the said Board of Town Commissioners shall annually on the first Monday in June appoint an overseer, who shall have all the powers now vested in road overseers under the general road law in the working of the public roads: *Provided*, that the said Board of Town Commissioners shall on the first Wednesday in July, October, January and April in each year, beginning in July, 1903, furnish to the said overseer a list of all the males liable to work on said roads, streets or bridges, and from this list so delivered to him he shall summons all thereon, giving three (3) days' notice to each (including the day notice is given as one day), stating the hour and the place of meeting, and the tool that each shall bring with him for the purpose of working the road. And any person thus summoned who shall fail to attend or who shall fail to work as directed by the said overseer, shall be guilty of a misdemeanor, and shall be tried by the Mayor of the town upon the complaint of the said overseer, and upon conviction shall be fined not more than five dollars or imprisoned not more than ten days, and shall be required to work out all said fine and costs upon the said roads and streets if same are not paid, and shall be committed to the county jail for thirty days or until same are paid, and the said Board of Town Commissioners are empowered with authority to provide the necessary means to carry out the provisions of this section.

Taxation and labor.

Road duty, persons from 18 to 50 liable.

Who exempt.

Proviso.

Poll tax may be remitted.

Proviso.

Proviso.

Number of days work required.

Overseers.

Proviso.

List of males eligible to road service.

Notice to be served.

Failure to attend and work a misdemeanor.

Penalty.

Sec. 10. That the said Board of Town Commissioners shall elect on the first Wednesday in June, 1903, and every year thereafter,

Town treasurer.

some suitable person for Treasurer of said town, who shall hold his office for the term of one year or until his successor is elected and qualified, that the Town Clerk or either of the Town Commissioners may be elected to said office of Town Treasurer at the discretion of the board. The said Board of Commissioners shall fix the amount of the bond of said Treasurer, which shall not be less than the total amount of taxes that may come into his hands during the fiscal or tax year, and at the same time the said Board of Town Commissioners shall appoint a Town Constable and they shall fix the amount of his bond, and he shall hold his office for one year or until his successor is appointed or elected and qualifies; the said board may consolidate the Town Tax Collector's and Town Constable's office, and may also consolidate the Town Clerk and Town Treasurer's office if they so choose to do.

Bond of treasurer.

Town constable, bond of.

Both offices may be held by one person.

Official fee bill of mayor and constable.

Sec. 11. That for the purposes of enforcing the rules, regulations and by-laws of the town, the following shall be the fees of the Mayor and Town Constable: Fees of the Mayor for issuing warrant for any offense 25 cents; if more than one defendant, each additional defendant 10 cents; for issuing subpœna 10 cents, for each name of witnesses 10 cents; for affidavit or complaint to warrant 10 cents; for trial, each defendant 25 cents; for judgment against each defendant 10 cents; taking bond 10 cents; justification to bond 10 cents; for committing to jail, each defendant 10 cents; making up transcript on appeal to Superior Court 50 cents. Constable's fees: Arrest of each defendant $1; serving subpœna on each witness 20 cents; for carrying a prisoner to jail 25 cents; and [all] such other actual expenses as the Mayor may adjudge necessary. In all civil cases the Constable shall be allowed same fees as are allowed sheriffs in similar cases.

Civil cases.

Mayor a justice of the peace.

Sec. 12. That the Mayor, in addition to the authority conferred upon him as Mayor, shall have all the jurisdiction of a justice of the peace in the county and may issue process, criminal or civil, to any part of the county, and may hear and determine all cases returned to him by any justice of the peace residing in his township, and in all respects and for all purposes shall have all the powers conferred upon any other justice of the peace in Pamlico County.

Additional powers of town commissioners.

Sec. 13. That the said Board of Town Commissioners, in addition to the powers herein specified, shall have all the powers conferred upon them by the general or statute law governing cities and towns that are now or may hereafter be conferred upon them by the general or statute laws of the State, or that are contained in the original charter of the town of Bayboro, chapter 54, Private Laws of 1881, or any of the amendments thereto, not in conflict or inconsistent with this act or that are not in conflict or inconsistent with the Constitution and laws of the State or the Constitution and laws

Chapter 54, Private Laws 1881 and amendments.

of the United States, and that this act and chapter 54, Private Laws of 1881, and all laws amendatory thereto, shall be construed to be one act and known as the charter of the town of Bayboro, in Pamlico County.

Sec. 14. That all laws and clauses of laws that are inconsistent or in conflict with this act are hereby repealed, so far as it may relate to the town of Bayboro, in Pamlico County. Repealing clause.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 111.

AN ACT TO INCORPORATE THE UNION BENEVOLENT LIFE INSURANCE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. A. Morrow, R. B. Redwine, J. J. Crow, T. P. Dillon and A. M. Stack, their associates, successors and assigns, be and they are hereby created a body politic and corporate, to be known as "The Union Benevolent Life Insurance Company" of North Carolina, and as such shall by that name have power and capacity to sue and be sued, plead and be impleaded in all the courts of this State and to adopt and use a corporate seal, to contract and be contracted with and to have continual succession for a term of sixty years. Incorporators. Name. Powers and privileges.

Sec. 2. That the purpose of this corporation is to mutually insure the lives of men and women of good health, who may be acceptable to the company, and to provide for the levying and collecting of assessments for the payment of losses caused by the death of any member as provided in its by-laws; but said association shall not be licensed to do business until they have obtained applications from at least three hundred *bona fide* applicants. Purpose, to insure life. When to commence business.

Sec. 3. That the company may adopt necessary rules, regulations and by-laws for its own government, elect a board of directors, and such other officers as the directors may deem necessary and proper to transact its business, and may define the powers and duties of such officers and fix their compensation. By-laws, officers.

Sec. 4. That the company may mutually insure the lives of persons on the mutual benefit assessment plan, upon such terms and under such conditions as may be fixed by the by-laws of the company, not in conflict with the laws of North Carolina, and may establish branches in one or more counties of the State. Mutual insurance. Branch offices.

Principal office, where located.

Sec. 5. That the principal office of this corporation shall be at Monroe, N. C., and the business of the company confined to the mutual insurance of residents of North Carolina, through branches thereof in the different counties of the State: *Provided,* any branch may not be composed of more than two counties: *Provided,* that no local or subdivision shall run with less than three hundred members.

Proviso. Branch offices.

Liability of members.

Sec. 6. That the private property of the members of this corporation shall be exempt from the corporate debts of the association or the members thereof, and each member of the association shall be liable for only his or her pro rata share of any assessment on a loss caused by the death of a member, except as may be provided in the by-laws of the association for the payment of the dues and assessments.

Pro rata of assessment.

Three years non-user.

Sec. 7. That this association shall begin business within three years from the ratification of this act.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 112.

AN ACT TO INCORPORATE THE ELIZABETH CITY FIRE COMPANY, NUMBER ONE.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Ashley C. Stokes, Charles Reid, Louis L. Williams, James Richardson, T. Archie Commander, Allen K. Kramer, and those who may be associated with them at this time or may hereafter be associated with them, not to exceed fifty persons, be and they are hereby incorporated under the name of the Elizabeth City Fire Company, Number One, and by that name may be sue and be sued, plead and be impleaded, contract and be contracted with, and have and exercise such powers as are usually enjoyed by corporations of like character not contrary to the laws of this State.

Limited number of.

Name.

Powers and privileges.

Members exempt from jury, street and militia duty.

Sec. 2. That the members of said corporation shall be exempt from jury and street duty and also from militia duty, except in time of insurrection or of invasion by the public enemy during the continuance of their membership therein.

By-laws.

Sec. 3. That the said corporation shall have power to adopt such by-laws as it may consider necessary and expedient, not contrary to the laws of this State, and in accordance with such by-laws to elect officers and to impose such reasonable fines and penalties upon its members as are not contrary to the laws of this State.

Officers, fines and penalties.

Sec. 4. That the said corporation shall be exempt from the payment of tax required by sections ninety-six and ninety-seven of chapter two of the Public Laws enacted by the General Assembly at the session of nineteen hundred and one. Exempt from taxation.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 113.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF BREVARD.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Brevard shall be and continue as they have heretofore been a body politic and corporate, and in the name of the Board of Aldermen of Brevard shall have a right to contract and be contracted with, sue and be sued, plead and be impleaded, to purchase and to hold and convey real or personal property. Corporate existence continued.

Sec. 2. That the corporate limits of said town shall extend half a mile in every direction from the court-house. Corporate limits.

Sec. 3. There shall be a Mayor and five (5) Aldermen elected for the government of the said town of Brevard under the same rules and regulations as are prescribed by the general law of the State providing for the elections in cities and towns. Officers, election of.

Sec. 4. The Board of Aldermen shall have power to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their duties and terms of office. The Board of Aldermen shall be further authorized to appoint one of their members a Mayor *pro tempore* to act as Mayor in case of absence of the Mayor or his inability to perform his duties of the office, and the person so appointed shall possess all the powers and rights of the Mayor during his absence or inability to attend to his duties. Board of aldermen, power to fill vacancies. Mayor pro tem.

Sec. 5. It shall be the duty of the Mayor to communicate quarterly in writing to the Board of Aldermen (or oftener if he shall deem it expedient): First, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend for the adoption of the Board of Alder- Mayor to submit quarterly report to aldermen. What to contain.

men of all such measures connected with the police, security, health and cleanliness of the town as he shall deem expedient; third, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every monthly meeting of the Board of Aldermen the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violations of the town ordinances during the previous month; and he shall be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced.

Monthly report.

Powers of mayor.

Sec. 6. That the Mayor shall have power to commit any person convicted of a violation of any of the town ordinances to the county or town prison until the fine or cost imposed therein and the jail fees are paid, and such persons can only be released as is provided in like cases in other courts. The Mayor shall also have full power to sentence any person who has been convicted before him for the violation of a town ordinance or ordinances as set forth in section 8 of this act, to the common jail of Transylvania County for a term not exceeding thirty days to work on the public streets of the town of Brevard; and where the Superior Courts of said county of Transylvania shall have sentenced any person to the common jail of the county for a term of twelve months or less, the Judge of the said courts may, upon application of the Mayor, turn over to the town authorities any such person so sentenced to be worked by said town authorities under the control and direction of the chief of police, or such other competent officer or guard as may be designated or appointed by the Board of Aldermen; and whenever any of the several justices of the peace of Transylvania County shall have sentenced any person to the common jail of said county for a term of thirty days or less, the said justice may, upon application of the Mayor of the town of Brevard, turn over such person or persons to the said town authorities to be worked by them as above set forth: *Provided*, that the said town of Brevard shall pay all expenses of the said prisoners while they shall be actually engaged in working on the streets of the said town.

Criminal jurisdiction.

Sentences to be worked on roads.

Proviso.

Expense of prisoners.

The mayor constituted an inferior court.

Sec. 7. That the Mayor of the said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances or regulations of the town, to enforce penalties, by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the Board of Aldermen. The Mayor shall further be a special court within the corporate limits of the town, to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance

Jurisdiction.

The mayor a special court.

Ordinances.

of the town, and if the accused shall be found guilty he shall be fined at the discretion of the court or Mayor, not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Violation of ordinances a misdemeanor.

Sec. 8. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment at labor on the streets for thirty days.

Policemen to execute precepts.

Sec. 9. The Mayor may issue his precepts to any regular policeman or Town Marshal, who shall execute the same anywhere in Transylvania County, or to such other officer to whom a justice of the peace may direct his precept. An endorsement by the Mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

Persons arrested to be committed.

Sec. 10. That any regular policeman or Town Marshal arresting any person or persons for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the town or county prison for as early trial as practicable.

Streets laid out and repaired.

Sec. 11. That the Board of Aldermen shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town; and shall have full power and authority to condemn, appropriate any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof, but in case the owner of the land sought to be condemned or appropriated for the public use by the Board of Aldermen and the said board cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the Mayor shall in his stead choose one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the Board of Aldermen the right to use the land for the purposes for which it is condemned, and all damages agreed upon between the owner of the land and the Board of Aldermen or awarded by the arbitrators, shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Eminent domain.

Condemnation proceedings.

Aldermen to levy tax.

Sec. 12. That the Board of Aldermen of the town of Brevard shall have power, not oftener than annually, to impose, levy and

Property and poll, other taxes.

collect a tax upon all real and personal estate within the corporate limits of the said town and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed

Amount.

by the General Assembly for public purposes, not to exceed fifty cents on the one hunderd dollars worth of property and one dollar

Proviso.

and fifty cents on the poll: *Provided, however,* the Board of Aldermen may annually levy and collect a special tax for street and

Street tax.

sidewalk purposes not exceeding fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll.

License tax.

Sec. 13. That in addition to the subjects liable to taxation for State purposes, the Board of Aldermen shall have power to levy and collect a specific or license tax on the following subjects, to-wit:

Merchants, peddlers, auctioneers.

All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell at public or private auction within the town limits,

Express, telegraph and railroad companies.

whether by ascending or descending bids; each express company, each telegraph company office and each railroad company having

Photographers.

a depot within the corporate limits of the town, each itinerant photograph artist or person taking likenesses of the human face,

Broker and banker, dealers in patent rights, etc.

each broker or banker's office, each dealer in patent rights, each sewing machine company or agent, each life or fire insurance agent,

Livery stables.

all commission merchants and commercial brokers, each livery stable, each distiller of fruits or grain, every huckster or trader who

Spirituous liquors, other occupations.

buys produce on the streets for sale in the markets, each rectifier or compounder of spirituous liquors, each gift enterprise or lottery, each dray, each omnibus, each butcher and each barber:

Proviso.

Provided, the foregoing section shall not be construed to prohibit

Farmers exempt.

farmers from selling poultry, meat, eggs and other farm products of their own production.

Dog tax.

Sec. 14. That the Board of Aldermen shall have power to impose annually such tax per capita upon all dogs running at large or kept within said town as they may deem proper, and may require all dogs to wear such tax badges as they may designate.

Animals declared a nuisance.

Sec. 15. That the Board of Aldermen shall have power to declare all horses, sheep, hogs, jacks, jennets, goats and dogs running at large within the corporate limits of the town a nuisance, and the said board may at their option impose a fine upon the owners of said animals running at large, or may treat the same as nuisance and have it abated totally: *Provided,* that this section shall not apply to dogs whose owners have paid such tax as may be imposed on them and otherwise complied with the ordinances in regard thereto.

Impounding animals.

Sec. 16. That the Board of Aldermen are empowered to make such rules and regulations as they may deem best for the impounding and sale of the animals mentioned in section 15 of this act, found running at large in the streets contrary to the ordinances

of the town: *Provided*, that no animal shall be sold without first being advertised for five days at the court-house door and two other public places in the said town. All strays so taken and duly advertised to be sold at public auction at the court-house door, the proceeds to be applied first, to the payment of the fine and keeping, advertising and selling of said animal, the balance, if any, to be paid to the owner of said animal, if known; if the owner be not known and no claim to the same be set up and established to the satisfaction of the Mayor within thirty days after said sale, the money to be turned over to the Treasurer of the said town for the benefit of the same, and the Mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

Disposition of animals impounded.

Money to be paid into treasurer.

Sec. 17. That the Board of Aldermen shall have power and authority to levy and collect a special tax not exceeding one hundred dollars upon every circus company for each separate exhibition within the town; upon every person or company exhibiting within the town limits, dogs, or theatrical plays, sleight of hand performance, rope or wire-dancing or tumbling and menageries, and the exhibition, for reward, of artificial models or curiosities (models of useful inventions excepted), a tax not to exceed twenty dollars for each separate exhibition, said tax to be paid before the exhibition or the same may be doubled; upon any other exhibition for reward not enumerated above, five dollars for each exhibition: *Provided*, that this act shall not apply to exhibitions by amateur companies when said exhibition is for a religious or charitable object: *Provided further*, that the Board of Aldermen are authorized and empowered to remit a part of the whole or any of the taxes allowed in this section upon good and satisfactory cause being shown to them by the exhibitor: *Provided further*, that the Tax Collector, in case of a failure on the part of any of the exhibitors above specified to pay said tax before exhibiting, shall immediately after the exhibition closes demand from said exhibitors, the manager or treasurer, if he or she be known, if not, any member of the company, double the amount of the tax, and if it be not paid he shall immediately levy upon any of the goods or property belonging to said company or any of them, or which was used in the exhibition or exhibitions given by them.

Aldermen to levy special tax.

Circuses.

Theatrical performances.

Other performances.

Amount of tax.

Proviso, amateur performances.

Proviso, aldermen may remit tax.

Tax collector to close performance, when.

Sec. 18. That the Board of Aldermen may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same. They may also prevent the establishment of and regulate, if allowed to be established, any slaughter-house or place for the slaughtering of animals within the town, or may prevent the establishment or regulate, if allowed to be established, any offensive or unhealthy business, trade or employment. The said board shall also have the power to prevent the

Nuisances.

Slaughter-houses.

Livery stables and feed yards, where.

erection, the maintaining or the continuance in use of any livery stable, feed stable or stock-yard within one hundred feet of Main street or Broad street in the town of Brevard. The said board

To compel property owners to maintain sewers.

shall also have the power to compel any property owner along any sewer line in said town to, at his own proper cost and expense, make proper sewer connection with said sewer, when in the discretion of the board the same should be made, and in case the owner shall fail to make such connection the said board may proceed to make such, and all costs and expense attached thereto in making such shall be a lien and a charge upon the property of such delinquent owner and may be enforced as other liens for the collection

Proviso, not to effect existing business.

of unpaid taxes on real or personal property: *Provided*, that this section shall not apply to livery stables now doing business in the town of Brevard for the period of two years.

Market house.

Sec. 19. That the Board of Aldermen, as soon as they deem it expedient for the convenience of the town, may provide for the erection of a market house and for the regulation of the same, and shall also have the power, when for the interest of the town they

City hall.

shall deem it expedient, to build a city hall and any other public building or buildings that they may deem necessary for the convenience and better government of said town, and shall have power to regulate and control all such buildings.

License tax on fresh meats.

Sec. 20. That the Board of Aldermen shall have power and authority to levy and collect a special license tax on every person who sells, either on the streets, from wagons or from houses as a busi-

Proviso, merchants exempt.

ness, any fresh meat for consumption in the town: *Provided*, that this shall not apply to any merchant who pays his regular tax and who purchases said meat in the course of his regular business.

Sidewalks.

Sec. 21. That the Board of Aldermen of the said town shall have full power and authority to construct, repair, pave with brick or other material, and otherwise improve the sidewalks on such streets in said town, as they may designate by an ordinance passed by the said board, and the said streets and the lots abutting thereto,

How constructed and repaired.

when so designated by said ordinance, shall become a taxing district, and the word lot when it occurs in this act shall be taken to mean the whole of the frontage abutting the sidewalk, constructed or unimproved, and shall extend back from the street the distance of one hundred and thirty-two feet.

Board may assess abutting owners two-thirds cost for sidewalk.

Sec. 22. In order to more effectually carry out the authority delegated and the duty imposed by the preceding sections, the Board of Aldermen of said town shall have authority to assess and apportion the cost of the sidewalk constructed, repaired or improved between the town and the lot or lots abutting thereon, and they may assess two-thirds thereof on the lots abutting and one-third upon the town. The amount of the assessments against the abutting lots so improved as herein divided being estimated and ascertained

by the Board of Aldermen in the manner prescribed by their ordinance shall be a lien on such lots and shall be entered upon the minutes of said board, and if the same is not paid within thirty days after notice to the owner or his agent, the Clerk of the Board of Aldermen shall issue execution against said lot or lots directed to the Marshal of the said town, who shall advertise the said lots under such rules and regulations as are now and may hereafter be provided by the ordinances of the said town for the sale of real estate for taxes, and shall sell the same and convey as other land sold for taxes.

Assessment a lien, how enforced.

Sec. 23. That any person whose land has been so assessed as provided above who is dissatisfied with said assessment, or who desires to test the matter or right of assessment, shall file his petition before the Mayor of said town within thirty days after the notice to him of the said assessment setting forth his grounds of objection, and the Mayor shall hear the same and render his judgment thereon, from which either the petitioner or the Board of Aldermen may appeal to the Superior Court in the same way and manner as appeals are allowed from justices of the peace, and the trial in the Superior Court shall be *de novo*.

Land owner dissatisfied with assessment.

Appeal.

Sec. 24. That the town of Brevard is hereby invested with all the powers, rights, privileges and immunities enumerated in chapter sixty two, Volume II of The Code of North Carolina, and entitled "Town and Cities," not inconsistent with the provisions of this act.

Powers of chapter 62 of Code applicable.

Sec. 25. That the Mayor shall keep his office in some convenient part of the town, designated by the Board of Aldermen. He shall keep the seal of the corporation and shall perform such duties as shall from time to time be prescribed. When present he shall preside at all the meetings of the Board of Aldermen, and when there is an equal division on any question or any election of any officers by the board he shall determine the matter by his vote and shall vote in no other case. He shall receive such compensation and fees as may be allowed by the Board of Aldermen.

Office of mayor.

Corporate seal.

To preside at meetings of aldermen.

When to vote, in case of tie.

Compensation of mayor.

Sec. 26. That the Board of Aldermen shall form one board and three of them shall constitute a quorum, and a majority of those present shall be competent to perform all duties prescribed for the board unless otherwise provided. Within five days after the election they shall convene for the transaction of business and shall then fix stated days for meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board may also be held on the call of the Mayor or two of the members of said board, and when called by the Mayor all members of the board shall be notified in writing, when called by any members of the board the Mayor and such other of the members of the board as shall not join in the call shall be notified in writing.

Board of aldermen, quorum.

Regular meetings, when.

Special meetings, how called.

Failure of mayor or aldermen to attend meeting.

Penalty.

Sec. 27. That if the Mayor or member of the board shall fail to attend a general meeting of the Board of Aldermen, or any special meeting of which he shall have notice as prescribed in this act, unless prevented by sickness of himself or family, or absence from the town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar.

Legislative powers of aldermen.

Proviso.

Sec. 28. That the Board of Aldermen when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, that the same be consistent with this act and the law of the land.

Ordinances, how entered and published.

Sec. 29. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed and also recorded in a book to be kept for that purpose, which shall set forth the date of the passage thereof, and all ordinances so passed shall be in force after the same shall have been posted at the court-house door and two other public places in said town for five days.

Town revenue.

How disbursed.

Contracts to be made at regular meetings.

Sec. 30. All moneys arising from taxation, donation or other sources shall be paid to the Treasurer of the said town, and no appropriation thereof shall be made except for the necessary expenses of the town and by a concurring vote of four-fifths of all the members of the board, and no account shall be valid against the said town unless the same has been contracted by the Board of Aldermen by a majority vote at a regular meeting, and no account shall be paid by the Treasurer until the same has been presented to the board at a regular meeting and is ordered to be paid by a majority vote and is entered on a book to be kept for that purpose, and to be known as the "Record of Accounts."

Report of finances to be made by board.

Failure to do so, penalty.

Sec. 31. That the Board of Aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens, and cause the same to be posted at the court-house door ten days before the first Monday in May of each year, and the board failing to comply with the duties imposed in this section shall forfeit and pay to the use of the town fifty dollars.

Failure to qualify as mayor or alderman, penalty.

Sec. 32. That any person elected Mayor or Alderman who shall refuse to qualify as such shall forfeit and pay to the use of the town twenty-five dollars, said sum to be recoverable as other fines for breaches of town ordinances.

Contagious diseases.

Quarantine.

Pest house.

Sec. 33. That the Board of Aldermen may take such measures as they may deem fit to prevent the entrance into the town or the spreading therein of any contagious or infectious diseases; may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such disease, may cause any person in the town believed to be infected with such disease, and whose stay may endanger the public health, to be removed

to some place within or without the town limits; may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with such contagious or infectious disease, or of which there shall be reasonable cause to apprehend will generate or propagate diseases, and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury. Disinfect property.

Sec. 34. That it shall be the duty of the policeman elected by the Board of Aldermen to see that the laws, ordinances and the orders of the Mayor and board are enforced, and to report all breaches thereof to the Mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders; and for that purpose he or they shall have all the power and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the Mayor or other judicial officer, and in the execution thereof shall have the same powers which the Sheriff or Constables of the county have; and he shall have the same fees on all process and precepts executed and retained by him which may be allowed to the Sheriff on like process and precept and also such other compensation as the board may allow: *Provided*, that no person under twenty-one years of age shall be appointed a policeman. Duty of policeman. Report to mayor, what. To have general executive authorities. Fees. Proviso.

Sec. 35. That the Board of Aldermen shall have power and authority to designate such of the officers elected by them as shall give bonds, which bonds shall be with security, to be approved by the board, in a penal sum to be fixed by the board, payable to the town of Brevard, with conditions for the faithful discharge of the duties of the office held by said officers. Official bonds.

Sec. 36. That no person shall erect, put up, keep, use or maintain any billiard or pool table, ten-pin alley or gaming table or place by whatsoever name known or called at which games of chance or hazard or skill shall be played within the limits of the town of Brevard without first having paid the tax and obtained from the Board of Aldermen a license therefor as hereinafter provided: *Provided*, this section shall not apply to persons using or keeping such tables or places or games of chance or skill or hazard in their own houses or on their own premises for the private use of themselves or family and not for gain. Games of chance, billiards, pool, ten-pins to be licensed. Proviso, private houses exempt.

Sec. 37. That the Board of Aldermen shall have power and authority to levy and collect a corporation tax of not less than ten dollars per annum upon each billiard or pool table, not less than ten dollars on each ten-pin alley and not less than ten dollars on any other gaming table or place mentioned in section 36 of this act. Tax to be collected, $10 on each table or alley.

Sec. 38. That any tax collector elected by the Board of Aldermen of the town of Brevard shall have the same power and be subject to the same penalties in collecting the taxes levied by the said Tax collector, powers and liabilities of.

town as the sheriffs of the State in the collection of the taxes by them.

Who entitled to vote.

Sec. 39. That all persons entitled to vote in the county of Transylvania for members of the General Assembly who shall have been *bona fide* residents of the town of Brevard for four months preceding the election shall be entitled to register and vote.

Oath required of all who register to vote.

Sec. 40. Any person applying to register under the provision of this act shall take the following oath, to be administered by the registrar: "I,....., do solemnly swear that I have been a citizen and resident of the State of North Carolina for the last two years and of Transylvania county for six months and of the town of Brevard for the last four months: So help me, God."

Aldermen to issue bonds.

Sec. 41. That the Board of Aldermen of the town of Brevard are hereby authorized and empowered to issue bonds in the name of the town of Brevard in such denominations and forms as it may determine, to an amount not exceeding thirty thousand ($30,000) dollars, payable at such times and places as the Board of Aldermen may prescribe: *Provided*, that the payment of such bonds shall be not less than twenty years and not more than thirty years from their date.

Amount.

Proviso, to run twenty to thirty years.

Interest five per cent., how payable.

Sec. 42. That the said bonds shall bear interest at no greater rate than five per centum per annum, and the interest shall be made payable annually or semi-annually as the Board of Aldermen may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

To be sold at par value.

Bonds, how executed.

Sec. 43. The said bonds shall be signed by the Mayor, attested by the Secretary of the Board of Aldermen and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said coupons as they may become due it shall be the duty of the Board of Aldermen, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town and in the manner and at the same time as other taxes are collected under the said charter: *Provided*, that the rate of taxation to pay said coupons shall never exceed forty cents on the one hundred dollars worth of property and one dollar and twenty cents on the poll: *Provided further*, that the taxes collected under this act for the payment of said interest coupons as aforesaid shall be used for no other purpose, and it shall be the duty of the Town Treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the Board of Aldermen the numbers and amounts of the coupons so cancelled.

Receivable for taxes.

Tax to be levied to meet interest on bonds.

Proviso.

Amount, property and poll.

Cancelled bonds.

Report to be made to aldermen.

Sec. 44. That the Board of Aldermen shall not issue the said bonds or any of them, nor levy nor collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of the said town at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said town, if there be one, and if not, by giving notice by posting at the court-house door and five other public places in said town; and at said election or elections those favoring the issue of said bonds or any of them as specified in the call for election or elections, and the levy and collection of the tax for the payment of the said bonds and coupons, shall vote "Issue," and those opposing it shall vote "No Issue": *Provided*, the Board of Aldermen may demand from the proper authorities an entirely new registration of the voters of the town.

Bonds not to issue until majority of voters elect.

Election, notice of.

Ballots.

New registration.

Sec. 45. That the board may call an election under this act at any time they may see proper, and the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same or other propositions to the said voters at any other time that the Board of Aldermen may appoint, and that the said board may continue to call elections under this act until the whole amount of thirty thousand dollars shall have been issued.

Elections, when to be called.

Additional elections.

Sec. 46. That the said bonds may be issued for the purpose of building or buying, conducting and operating an electric light and power plant or gas plant, or both, to furnish lights for the streets and public buildings of said town, and lights and power to its citizens if the Board of Aldermen see proper; for the purpose of building or buying a water-works plant and maintaining and operating the same, to furnish water for the use of the town and its inhabitants; to buy, build, construct, enlarge and maintain a sewerage system in said town; to build a city hall and market and other necessary buildings; to establish and maintain one or more graded schools in the town, and to buy grounds and erect the necessary buildings for said school or schools; and to grade, curb, macadamize, pave or otherwise improve the streets and sidewalks of the town: *Provided, however*, that the said board shall, in the resolution calling an election and in the notice to the people of such election, state the maximum amount of bonds to be issued under said election and the purpose or purposes for which the said bonds are to be issued, specifying the maximum amount to be used for each purpose, and the bonds shall be used for no other purpose than that specified as aforesaid: *Provided*, that the purchasers of said bonds shall not be required to see to the application of the purchase money.

Purpose of bond issue.

Lights, streets, water, sewerage, city hall, market, schools.

Proviso, notice of election, what to state.

Proviso, purchaser not required to see to application of money.

Sec. 47. That the said Board of Aldermen shall have entire supervision and control of any and all of the works, buildings and schools established under this act, and is hereby authorized to elect all

Aldermen to have power to elect officers, control all city property, etc.

such agents, officers, servants and employees as it may deem proper and pay the same from any of the revenues of the town not otherwise appropriated, and to do all other proper things necessary to carry into effect the provisions of this act.

Fire limits.

Sec. 48. The Board of Aldermen of said town shall have the power to pass ordinances prescribing "fire limits" in the said town, stating in such ordinances the kind of buildings that may be erected within said limits, that in case such limits shall be established by the said Board of Aldermen they shall have the power to prevent the erection of buildings other than the kind specified in the said ordinances by declaring the same a nuisance and shall have the necessary power to abate or remove such nuisances at the cost of the party so erecting such building.

Style of buildings to be erected in.

Repealing clause.

Sec. 49. All laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 50. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 114.

AN ACT TO ALLOW THE CITY OF HIGH POINT TO ISSUE BONDS FOR NINETY THOUSAND DOLLARS ($90,000), IN ADDITION TO ACTS OF CHAPTER 157 OF PRIVATE LAWS OF 1889 AND CHAPTER 68 OF THE PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Board of aldermen to issue bonds.

Section 1. That the Board of Aldermen of the city of High Point is hereby authorized and empowered to issue bonds in the name of the city of High Point in such denominations and forms as it may determine, to an amount not exceeding ninety thousand dollars, payable at such times and places as the Board of Aldermen may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty years nor more than sixty years from their date.

Amount, style of.

Proviso. Time of payment.

Interest five per cent.

Sec. 2. That the said bonds shall bear interest at no greater rate than five per cent. per annum, and the interest shall be made payable annually or semi-annually, as the Board of Aldermen may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

To be sold for par value.

Bonds, how executed.

Sec. 3. The said bonds shall be signed by the Mayor, attested by the City Secretary and Treasurer, and sealed with the corporate seal of the city, and shall have interest coupons attached thereto,

which said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of the city taxes. That for the purpose of paying said bonds at maturity and the said coupons as they become due it shall be the duty of the Board of Aldermen, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in manner and at the same time as other taxes are collected under said charter: *Provided*, that the total rate of taxes, both general and special, shall never exceed one dollar and fifty cents on each hundred dollars valuation of property: *Provided further*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose, and it shall be the duty of the City Treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the Board of Aldermen the number and amount of coupons cancelled.

Purpose of tax.

Subjects of taxation.

Proviso.

Amount, property.

Proviso, taxes not to be diverted to other purposes.

Sec. 4. That the Board of Aldermen shall not issue said bonds, nor any of them, nor collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of said city, and at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city; and at the said election or elections those favoring the issue of said bonds or any of them as specified in the call of such election or elections, and the levy and collection of the tax for the payment of said bonds and coupons, shall vote "Issue," and those opposed to it shall vote "No Issue": *Provided*, that the said board may in its discretion order a new registration of voters.

Bonds not to issue until voters elect.

Notice of election.

Ballots.

Sec. 5. That the board may call an election under this act at any time it may see fit, after giving the proper notice and observing the general election laws of the State; and the rejection by the voters of any proposition submitted to them under this act shall not prevent the same or other propositions to the said voters at any time the said Board of Aldermen may appoint, and that the said board may continue to call elections under this act until the whole amount of ninety thousand ($90,000) dollars shall have been issued.

Board to call election.

Additional elections, when.

Sec. 6. That said bonds may be issued for the purpose of building, buying, extending, improving, conducting or operating an electric light plant and an electric power plant, gas plant, or both, and to furnish lights for streets of said city and lights for private use to its citizens, if the Board of Aldermen see fit, and to charge for said lights and power furnished for private use, and to erect, buy, build, extend, improve and operate water-works and to supply

Purpose of bond issue.

Lighting plant.

Water-works.

private citizens water and charge for same, and to maintain and operate water-works and to furnish for the use of the city; to build, construct, enlarge, improve and maintain the sewer system; to grade, curb, macadamize, pave and improve the streets of the city, and to fund the floating debt of the said city of High Point now oustanding: *Provided, however,* that the said Board of City Aldermen shall, in the resolution calling the election and the notice of the people of said election, state the maximum of the amount of bonds to be issued under said election and the purpose or purposes for which the said bonds are to be issued, specifying the maximum amount to be issued for each purpose, and the bonds shall be issued for no other purpose than that specified as aforesaid: *Provided,* that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Sewerage.

Streets, fund floating debt.

Proviso.

Notice of election, what to contain.

Proviso, as to application of purchase money.

Board of aldermen and engineer empowered to make surveys.

Sec 7. The Board of Aldermen and Engineer of the corporation of High Point, and any other agent or agents appointed by said Board of Aldermen, are hereby authorized and empowered to enter upon the lands of all persons, firms and corporations within or without the limits of said corporation, for the purpose of making the surveys provided for in this act, laying or putting down any pipes, drains, machinery or appliances, or for the purpose of erecting any reservoir or other necessary building or doing any other act necessary to be done toward the erection and maintenance of such system of water-works or sewerage, either or both, and toward the maintenance and protection of same when erected, and the said board may condemn such real estate, easement or interest in real estate as may be necessary for the purpose of this act and make a record of their proceedings upon the minutes and cause the same to be registered in the Register's office of Guilford County.

Eminent domain.

Report to be recorded, where.

Eminent domain.

Sec. 8. That when any person or persons whose lands are taken, used or condemned under the provisions of this act claims damages thereof, and within thirty days petitions the Board of County Commissioners of Guilford County for a jury to assess the damages, the said Commissioners within not less than fifteen nor more than sixty days after the taking possession of said lands and filing said petition, shall order a jury of three disinterested freeholders, residents of the city of High Point, to be summoned by the Sheriff or Constable as provided by law, who shall give said land owners or their local representatives and the Mayor of the corporation of High Point, North Carolina, forty-eight hours' notice of the time and place when and where said jury will meet to assess damages; and it shall report in writing its finding to the Board of County Commissioners for confirmation or revision: *Provided,* that if said land owner be a non-resident of the county and have no local representative, it shall be deemed sufficient service of such notice for said Sheriff or Constable to forward by United States mail a written notice of

Assessors, duty of.

Manner of assessment.

Proviso as to non-resident owners.

Notice to.

the purpose, time and place of meeting of said jury to the last known post-office address of such land owner seven days in advance of such meeting, and also to post a notice of such meeting at the court-house door of said county.

Appeal to Superior Court.

Sec. 9. That in case the land owner or his local representative or corporation of High Point, North Carolina, shall be dissatisfied with the findings of the jury as provided for in this section and with the decision of the County Commissioners, such dissatisfied party may appeal from such decision of said County Commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from courts of justice of the peace, and the same shall be heard *de novo;* but the Judge may in his discretion require said land owner to give bond when the case is taken by appeal to the Superior Court.

Heard de novo.

Aldermen to have control of all property acquired.

Sec. 10. That the said Board of Aldermen shall have entire supervision and control of any and all of the parts or works now established, or hereafter established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the city not otherwise appropriated, and do all other proper things to carry into effect the true intention of this act.

Agents and servants elected.

Repealing clause.

Sec. 11. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 115.

AN ACT TO INCORPORATE THE TOWN OF FOUNTAIN, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Fountain, Pitt county, incorporated.

Section 1. That the village of Fountain, in the county of Pitt, be and the same is hereby incorporated under the name and style of The Town of Fountain, and shall be subject to all provisions contained in chapter sixty-two (62), Volume II (2) of The Code of North Carolina, and all amendments thereto, not inconsistent with this act.

Corporate name.

Chapter 62 of Code applicable.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a red-oak twenty-two yards on the east side of the East Carolina Railroad and running from thence east eight hundred and sixty-eight (868) yards; thence south parallel with said railroad, seventeen hundred and sixty (1,760) yards; thence

Description.

west across said railroad seventeen hundred and sixty (1,760) yards; thence north parallel with said railroad seventeen hundred and sixty (1,760) yards, thence to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Constable, and such other officers as the Board of Commissioners may elect.

Temporary officers.

Sec. 4. That until the election hereinafter provided for, the Mayor, three Commissioners and Constable, provided for in the preceding section of this act, shall be as follows: Mayor, Abner Eason; Commissioners, R. A. Fountain, R. A. Parker and G. M. Smith; Constable, W. H. Mercer, who shall hold their respective offices until their successors are elected and qualified. And the said Commissioners after their qualification may elect such other officers as they may deem necessary and require from them and the Constable such bonds, payable to the State, in such sums as they may determine, for the faithful performance of their duties.

Personnel.

Official bonds.

Municipal elections, when to be held.

Sec. 5. That there shall be held on the first Monday in May, in the year nineteen hundred and three, and annually thereafter, in some convenient place in said town to be designated by said Commissioners, an election for Mayor, Commissioners and Constable, under the laws of the State prescribing the manner of elections for municipal officers.

Qualifications of electors.

Sec. 6. That all persons entitled to vote in the County of Pitt for members of the General Assembly, who shall have been residents of said town four months preceding the election, shall be entitled to vote at any and all municipal elections for said town.

Commissioners to levy tax, purpose of.

Sec. 7. That the Board of Commissioners shall have power to levy and collect annual taxes for municipal purposes upon all persons and property and subjects of taxation which are taxed for State and county purposes: *Provided*, that the taxes so levied and collected shall not exceed twenty-five cents on the hundred dollars worth of property and seventy-five cents on the poll.

Proviso. Amount, property and poll.

Street work compulsory.

Sec. 8. That the said Commissioners may require and compel all able-bodied male citizens of said town between the ages of eighteen and forty-five years to work upon the streets of said town, in the same manner and for the same time as public roads are required to be worked.

Ordinances.

Sec. 9. That the said Board of Commissioners shall have power to pass and enact any rules, regulations and ordinances for the good government of said town as they may deem necessary, not inconsistent with the laws of North Carolina.

Streets and alleys.

Sec. 10. That the said Commissioners shall have power, from time to time, to open any new streets or alleys within said town, by paying the owner through whose land the said streets and alleys

Eminent domain.

may run such damages as may be sustained thereby, if any: *Provided*, that if the said Commissioners and owners of said land can-

not agree as to the amount of damages, it shall be left to three disinterested freeholders, citizens of said town, to be selected as follows: The Commissioners shall select one, the owner of the land one, and the two then selected shall select the third, and the persons so selected shall proceed to assess the damages; and if the owner of the land will not select a man, then the Commissioners shall select two, and the two then selected shall choose a third man, and the three so selected shall assess such damages: *Provided*, that either party being dissatisfied with their decision, by giving bond for payment of costs, may appeal to the Superior Court of Pitt County where the same shall be determined.

Assessment of damages.

Proviso, appeal to Superior Court.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 116.

AN ACT TO INCORPORATE CALDWELL INSTITUTE GRADED SCHOOL, IN ORANGE COUNTY.

Whereas, the qualified voters living in the territory embraced within boundaries hereinafter set out did, on the 10th day of January, 1903, vote to establish a public graded school to be located at Caldwell Institute, in Orange County, and to levy a special tax to support the same according to provisions of section 72 of chapter 4 of the Public Laws of 1901; and whereas, it is deemed best to have the said Caldwell Institute Graded School incorporated; therefore

Preamble.

Caldwell Institute established.

To be incorporated.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced within the boundaries set out and described as follows, to-wit: Beginning at the bridge at J. N. Parker's, thence running east with the public road to J. R. Wilson's; thence on eastward with country road that leads from the public road at J. R. Wilson's to the public road at Mrs. Mollie Wilson's garden to the head of the Shop Branch on said country road; thence south with said branch to Little River; thence west with said river to Green Riley's Ford; thence westward a straight line to 100 yards south of Will McKee's house; thence between Allison's shop and D. S. Allison's home to J. W. Terry's plant-bed place on the public road between said J. W. Terry's and Mrs. Mack Allison's; thence north to the beginning, be and the same is hereby incorporated and known as the Caldwell Institute Rural Graded School District in Orange County.

Corporate limits.

Description.

School commissioners, personnel.

Sec. 2. That R. N. Hall, Jr., J. T. Wilson and W. R. McKee be and they are hereby appointed and constituted a Board of School Commissioners for said Caldwell Institute Rural Graded School for a term commencing immediately after the ratification of this act and ending on the first Monday in June, 1905.

Commissioners, when to be elected.

Sec. 3. That an election shall be held on the first Monday in May, 1905, and every two years thereafter by the qualified voters of said school district for the purpose of electing three persons as School Commissioners for said district. Said election shall be held under the general law governing the election of Mayor and Aldermen of the various towns and cities in the State.

Sheriff to collect taxes.

Sec. 4. It shall be the duty of the Sheriff of Orange County to collect all taxes levied in pursuance of the election held in said school district in January, 1903, and turn over the same to the Treasurer of Orange County, and all school funds derived from the county and State for the use and benefit of said school district shall be held by said Treasurer for the exclusive use and benefit of said Caldwell Institute Rural Graded School, and shall be paid out by said Treasurer of Orange County only upon the warrant or order signed by the chairman and Secretary of said Board of School Commissioners.

Treasurer to receive same. How applied. How disbursed.

Public school property vested in commissioners.

Sec. 5. All the public school property of said school district shall become the property of said graded school and shall be vested in said board of commissioners and their successors in trust for said Rural Graded School.

Commissioners to have control of property, to fix compensation of employees.

Sec. 6. That the Board of School Commissioners herein appointed and their successors in office shall have entire and exclusive control of said graded school; shall employ and fix compensation of officers and teachers, and do all other acts that may be necessary, just and lawful for the successful management of said graded school, and shall have power to provide for the teaching of any of the higher branches of study not usually taught in public schools free of charge to the children of school age living within said school district, and shall have power to fix rules and regulations under which pupils not entitled by law to the benefits of this graded school may be admitted, if in their judgment it shall be wise to admit them, and to fix prices to be charged said persons. Said Board of School Commissioners shall be a body corporate under the name of the "Board of School Commissioners of Caldwell Institute Graded School," with power to sue and be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants or making purchases, or buying, holding or selling property, both real and personal, for school purposes, and shall have power of prosecuting and defending suits for and against said corporation. All conveyances and other instruments to said corporation shall be made to the said Board of School Commissioners

Tuition free.

Corporate name of commissioners.

Powers and privileges.

Conveyances, how made.

and their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said Board of School Commissioners.

Sec. 7. The territory embraced within the boundaries hereinbefore set out in section one of this act shall be known as School District No..... of Little River Township, Orange County. Name of district.

Sec. 8. It shall be unlawful for any person, firm or corporation to manufacture or sell any malt or spirituous liquors within two miles of the school building in said school district, and any person convicted of either of said offenses shall be fined or imprisoned, or both, in the discretion of the court. Unlawful to sell or manufacture liquor within two miles.

Sec. 9. All laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 117.

AN ACT FOR THE RELIEF OF CERTAIN CITIZENS AND PROPERTY HOLDERS IN THE TOWN OF BREVARD.

Whereas, by an act of the General Assembly of North Carolina, entitled "An act supplementary to an act laying off and establishing the county of Transylvania," ratified the 15th day of February, 1861, James W. Killian, W. P. Poore and Charles Patton were appointed commissioners to lay off a tract of land, which had theretofore been deeded to the chairman of the County Court for the people of the county into streets, alleys and town lots and retain such lots as were necessary for public use, and to sell the remaining portions of the said lots to purchasers on a credit of one and two years, and providing that upon the payment of the purchase money the chairman of the County Court or his successors in office should execute title therefor; and Preamble. County of Transylvania laid off, when and by whom.

Whereas, the said commissioners proceeded under the said act to lay off the said tract of land into a public square, streets, alleys and town lots and sold a portion of said lots, as directed in said act; and Preamble. Commissioners laid off tract as directed.

Whereas, the purchase money for many of said lots was not paid until after the adoption of the Constitution of 1868; and Preamble. Purchase money not paid until after 1868.

Whereas, by the Constitution of 1868 the County Court was abolished and no provision made for the execution of deeds to the purchasers of town lots in the said town of Brevard; and Preamble. County court abolished 1868.

Preamble. County commissioners acted in lieu of county court.

Whereas, the chairman of the Board of County Commissioners of Transylvania County, assuming to act for the aforesaid commissioners and for the chairman of the County Court, proceeded to execute deeds for the lots theretofore sold and to sell and to convey other lots in the said town of Brevard; and

Preamble. Commissioners exchanged public square for other property.

Whereas, the Board of Commissioners of Transylvania County, about the year 1879, deeming the public square as originally laid out by the aforesaid commissioners unsuited for public purposes, exchanged a portion of public square for other lots upon which to build a court-house, and directed that the remaining portion of public square should be sold as town lots, and the said portions were sold and deeds thereto were executed to the purchasers by the chairman of the Board of County Commissioners, assuming to act by no other authority than that given him by the Board of County Commissioners; and

Preamble. Purchasers improved exchanged property.

Whereas, the purchasers of the old public square and those claiming under them have improved the same by erecting large brick buildings thereon: therefore, in order to confirm the said titles heretofore made,

The General Assembly of North Carolina do enact:

Titles confirmed.

Section 1. That all deeds and conveyances made by the chairman of the Board of County Commissioners of Transylvania County for property in the said town are hereby ratified and confirmed and declared sufficient to vest the titles to the land therein described to the purchasers, their heirs and assigns in fee-simple.

To be held in fee simple.

Repealing clause.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 118.

AN ACT TO SUPPLEMENT AN ACT AUTHORIZING THE CITY OF FAYETTEVILLE TO ESTABLISH OR PURCHASE AND OPERATE A SYSTEM OF WATER-WORKS AND SEWERAGE AND TO ISSUE BONDS THEREFOR, AS CONTAINED IN CHAPTER 195 IN THE PRIVATE ACTS OF 1899.

Preamble.

Whereas, by reason of its revenue from other sources, and because under the provision of chapter 153, Private Laws of 1893, and an act amendatory thereof passed by the General Assembly of 1899, entitled "An act to amend chapter 153 of the Private Laws

of 1893," etc., and ratified on January 26th, 1899, sufficient taxes are now levied and not otherwise appropriated to amply provide for the payment of the interest on the coupon bonds hereinafter provided for as it falls due and to create a sinking fund sufficient to fully pay off said bonds, as well as to meet all other obligations and liabilities of said city; and

Sufficient funds to pay bond issue under present levy.

Whereas, the amount of bonds that the said city of Fayetteville was authorized and empowered to issue under chapter 195 of the Private Laws of 1899 will not be sufficient to complete the work therein provided for, and that $40,000 in addition to the amount provided for in said act will be needed:

Preamble.

Bond issue not sufficient.

The General Assembly of North Carolina do enact:

Section 1. That for the purposes and upon the terms and conditions as set forth and provided for in said chapter 193 of the Private Laws of 1899 it shall be lawful for the said city of Fayetteville to issue and sell an additional $40,000, or any part thereof, if the whole amount is not needed, of coupon bonds of said city of the same denominations, bearing the same rate of interest and running for the same time as provided for the bonds in said chapter 195 of the Private Laws of 1899.

Chapter 195 Private Laws 1899.

Additional bond issue authorized.

How issued, amount.

Sec. 2. That said bonds shall be numbered consecutively, beginning at the first number following the last number of the bonds to be issued under said chapter 195 of the Private Laws of 1899.

Style of bonds.

Sec. 3. That as the sinking fund provided for under said chapter 195 of the Private Laws of 1899 is greatly in excess of the amount that will be required to pay off the bonds therein provided for at maturity, only $300 additional will be necessary, and said sum shall be provided annually and be invested on the same terms and conditions as provided for the sinking fund of $2,000 in said chapter 195 of the Private Laws of 1899.

Sinking fund provided.

Sec. 4. That this act is intended as a supplement to chapter 195 of the Private Laws of 1899, and all the provisions of that act shall apply to this supplementary act unless the same is herein expressly changed.

Supplementary act to chapter 195, Private Laws 1899.

Sec. 5. That the issuance of the bonds herein provided for shall be submitted to the voters of the said city of Fayetteville at the regular election in May next (1903), for the purpose of ratification or disapproval by a majority of the qualified voters of said city.

Bond issue to be submitted to voters.

Election, when to be held.

Sec. 6. That the judges of said election shall provide a separate box for a vote on the said bond question, and the ballot to be used at said election shall be of white paper and without device and shall contain the word "Bonds" or the words "No Bonds." And the bonds herein provided for shall be issued only in case a majority of the qualified voters of said city shall vote "Bonds."

Election, how held.

Ballots.

Sec. 7. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 119.

AN ACT TO AUTHORIZE THE TOWN OF ELKIN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Commissioners Elkin to issue bonds.

Section 1. That the Board of Commissioners of Elkin is hereby authorized and empowered to issue bonds in the name of the town of Elkin in such denomination and form as it may determine to

Amount, five per cent. interest.

an amount not exceeding ten thousand dollars, bearing no greater interest than five per centum per annum, which shall be paid annually, and said bonds shall be made payable at such time and place as shall be determined by said Board of Commissioners: *Provided,*

Time to run.

that the time of payment shall not be fixed at more than forty years.

To be sold at face value.

Sec. 2. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and all

Purpose of issue.

moneys arising from the sale thereof shall be used for the purpose of paving, macadamizing and otherwise improving the public streets of the town of Elkin.

Bonds not to issue until voters elect.

Sec. 3. That said bonds shall not be issued until authorized by the majority of the qualified voters of said town at a public election, to be held at such time and place as said board shall appoint, of

Notice of election.

which notice shall be given for twenty days in some newspaper published in said town, and at said election those favoring the

Ballots.

issue of said bonds shall vote "Issue," and those opposing it shall

Proviso.

vote "No Issue": *Provided,* that said board may, in its discretion,

New registration.

order a new registration of the voters of said town, and if a majority of the qualified voters of said town shall vote to issue said bonds, then the said Board of Commissioners shall issue the same,

Bonds, how executed.

which shall be signed by the Mayor and attested by the Town Treasurer, and have interest coupons attached thereto, and said bonds

Coupons exempt from and receivable for taxes.

and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes.

Special tax for payment of bonds.

Sec. 4. That for the purpose of paying said coupons as they become due and said bonds at maturity, it shall be the duty of the Board of Commissioners, and they are hereby empowered to do so, should they find it necessary to do so, to levy and collect a sufficient

special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, said levy not at any time to exceed sixty cents on the poll and twenty cents on the one hundred dollars valuation of property, which taxes when collected shall be used for no other purpose; and it shall be the duty of the Town Treasurer, as said coupons are paid off and taken up, to cancel the same, and he shall report not less than twice a year to the Board of Commissioners the number and amounts of the coupons so cancelled.

Amount of tax, poll and property.

Bonds cancelled, report by treasurer.

Sec. 5. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, A. D. 1903.

Chapter 120.

AN ACT TO INCORPORATE THE WINSTON-STUART TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That for the purposes of constructing a turnpike road from a point at or near Capella, in Stokes County, North Carolina, through Quaker Gap, by way of Vade Mecum Springs to or across the Dan River, at or near the Shallow Ford, near George's Mill, the formation of a corporation to be styled The Winston-Stuart Turnpike Company is hereby authorized.

To construct turnpike, where.

Incorporated.

Sec. 2. That A. H. Eller, R. J. Reynolds, J. H. Sparks, J. W. Slate, J. C. Tise, J. F. Miller, Walter George, W. H. Reed, R. W. Gorrell, J. K. Norfleet and T. J. Brown, all of the State of North Carolina, and their associates, successors and assigns be and are hereby created and constituted a body politic and corporate by the name and style of "The Winston-Stuart Turnpike Company," and by that name may sue and be sued, contract and be contracted with, acquire, hold and convey all kinds of property, and may have and use a common seal, and shall have and enjoy all the rights, privileges and powers necessary or incident to the construction and operating of a turnpike road as hereinbefore designated.

Incorporators.

Corporate name.

Powers and privileges.

Sec. 3. That the capital stock of said corporation shall not exceed twenty thousand ($20,000) dollars, and shall be divided into shares of ten dollars each, and whenever two hundred of such shares shall be subscribed for on the books which may be open for that purpose at Winston, North Carolina, and Vade Mecum, North Carolina, said corporation may, upon three days' notice given by

Capital stock, shares.

Subscription books.

First meeting of stockholders.

any three of said incorporators, be duly organized by the election of a board of directors, and shall be authorized to transact any and all business appertaining to the conduct and management of the business of said corporation.

Board of directors.

Officers, duties and compensation.

Sec. 4. That the board of directors shall consist of not less than five stockholders, who shall have the power of electing a president, secretary and treasurer and general manager, and such other officers and agents as may be deemed necessary, and of prescribing their term of office or employment, compensation for such services, and in general to regulate and control the business, resources and finances of the company, except in such matters as the stockholders may by resolution or by-laws determine the policy of said company.

Payment of capital stock.

Sec. 5. That the board of directors may require the payment of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in the case of default in such payments after thirty days' notice given in writing, the directors may sell any subscriber's stock who has failed to make payments, or so much thereof as may be sufficient to pay the amount of his subscription, after first advertising the same at the company's office and three other public places in said county for a period of twenty days. Said sale shall be made by public auction, and all proceeds therefrom remaining, after paying such subscription in full and costs, shall be paid over to said subscriber or his legal representatives.

Eminent domain.

Sec. 6. That whenever any lands may be required for said turnpike, either for a roadway or toll-house or other appurtenances thereto, and an agreement cannot be made with the owner of such lands, the company or owner may in writing apply to the Clerk of the Superior Court of Stokes County to cause the damages, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the corporation and one by the Clerk of the Court; if either party or both shall fail to appoint after five days' notice of the application to the Clerk, then the Clerk shall appoint

Duties of referees.

instead. The referee so appointed being duly notified by the Clerk shall, being first duly sworn by some person authorized to administer oaths to act impartially, lay off a right of way not exceeding forty feet in width, as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll-house or houses not exceeding one acre of land at each toll-house, and assess the damages, if any, to the owners of the land, and the said referees shall take into consideration any and all benefits and advantages accruing to such owner from the making of such road and deduct the estimated value of such improvement and advantage accruing to said land owner by reason of such improvements from the amount of damages which he may have sustained, and return their award in writing within ten days to said Clerk,

and such award of said referees, or any two of them, when returned, shall become a judgment of the Superior Court of said county: *Provided, however,* that the right of appeal from said award or judgment shall lie to the Superior Court as in other cases of appeal in proceedings before the Clerk. That upon application being made to the Clerk for the appointment of the referees as aforesaid the said corporation shall be empowered to enter upon such lands as may be required for the purposes of constructing and operating the aforesaid road. Proviso, appeal to Superior Court.

Sec. 7. That the said company shall be empowered to erect two or more toll-gates across said road at such place or places as may be determined, recover and receive such fare or toll for passing over said road and going by said gate as the directors may prescribe, not exceeding the following amounts: For four-horse or four-ox team, forty cents each way; two-horse or ox team, twenty-five cents each way; two-horse buggy or hack, thirty-five cents; one-horse buggy, twenty-five cents; one-horse wagon, fifteen cents; horse and rider, ten cents; loose horse or cattle, five cents each; sheep, hogs or other live stock, three cents each. Any person liable for toll who shall use any part of said road without paying the fare and tolls due and payable for said use with the view of avoiding payment of the toll or fare, shall be guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Stokes shall pay a fine of not less than two ($2) dollars nor more than ten ($10) dollars; and upon failure to pay such fine, together with the costs of the proceedings, shall be imprisoned by the justice of the peace for a period not less than five days nor more than twenty days. Toll gates, toll charges. Use of road without paying toll a misdemeanor. Penalty.

Sec. 8. That any person who shall endanger or obstruct the road of the said company or any bridge connected therewith, or who shall cut or dig or clear out another way around the toll-gates across said road, or who shall turn streams of water into said road, or who shall drag or "snake" logs along said road, or who shall cut down trees across the same, or in any other manner injure or obstruct the said road, besides being liable to the company for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined or imprisoned, or both, in the discretion of the court. Injury to road or bridges. A misdemeanor. Penalty.

Sec. 9. That upon completion of as much as one-half of the distance it shall be lawful to erect one toll-gate and to use the tolls or fares received in keeping the road thus made in repair, and in extending the work until the whole turnpike is completed, and after said turnpike is so completed the said company shall, after providing for keeping said road in good repair and paying the expenses incident thereto, use the residue of its receipts in paying dividends One toll gate to be erected when one-half road completed. Road to be repaired.

Distance of toll gates apart.

upon the stock of the company: *Provided,* no toll-gate on said turnpike shall be nearer the end thereof than one mile, and no two toll-gates shall be closer together than three miles.

Directors may issue stock in payment for work and material.

Sec. 10. That the said corporation shall have power to issue its stock in payment for the right of way, for labor and materials and other property, which in the judgment of the directors shall be adequate compensation therefor. That for the purpose of raising a sufficient sum of money to insure the completion of said road

May issue bonds.

it shall be lawful for said corporation to execute such bonds, mortgages and deeds of trust upon the said road, its property and franchises as may be deemed necessary and proper.

Non-liability of stockholders.

Sec. 11. That the stockholders shall not be individually liable for any debt or obligation of said corporation, and that the duration

Corporate existence.

of this corporation shall be ninety-nine years, unless sooner dissolved according to law.

Branch roads.

Sec. 12. That the said corporation shall have like power and privileges as herein given to construct such other branch turnpike or turnpikes leading from Vade Mecum Springs east to Danbury, or leading west from Vade Mecum Springs to some point on the Cape Fear and Yadkin Valley Railway, as shall hereafter be determined upon.

Sec. 13. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 21st day of February, A. D. 1903.

Chapter 121.

AN ACT TO AMEND THE CHARTER OF ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Chapter 62, Private Laws 1899 amended.

Section 1. That chapter sixty-two of the Private Laws of eighteen hundred and ninety-nine, entitled "An act to amend the charter of Elizabeth City, North Carolina," be amended as follows:

"South" in lieu of "north," in section 2.

Sec. 2. By striking out the word "north" in line nineteen of section two and inserting in lieu thereof the word "south."

Corporate limits.

Sec. 3. By inserting between the word "along" and the word "Church" in line fifty-one of section three the words "the south side of."

Section 5, city election changed, when.

Sec. 4. By striking out all of section five after the word "following" in line two and inserting in lieu thereof "the next election for the corporation of Elizabeth City shall be held on the second Monday in April, 1903, and there shall be held successive elections

in said town biennially thereafter. At said elections there shall be elected by the qualified voters of the said corporation of Elizabeth City a Mayor, a Chief of Police, a Treasurer, a Clerk and seven Aldermen, all of whom shall hold their offices for two years, and shall be installed in office on the first Monday in May following said election. The said Aldermen shall be selected one from each of the seven wards of Elizabeth City, and each shall be a resident of the ward for which he is elected at the time he is elected. Before the next election to be held on the second Monday in April, 1903, there shall be an entirely new registration of all the voters in said town, and the Board of Aldermen shall provide for said registration and election and shall appoint one registrar and two poll holders in each ward, who shall be qualified voters in the ward in which they are appointed. Notice of said election shall be given at least four weeks preceding the same, and the polling places shall be designated by the said Board of Aldermen and ballot boxes provided by them."

Officers to be chosen.

Aldermen.

New registration.

Election of officers.

Notice of election.

Sec. 5. By striking out all of section six after the word "following" in line two and inserting in lieu thereof: "Every male person who is now or may hereafter be qualified to vote under the Constitution of North Carolina as now amended and under the laws of North Carolina, chapter eighty-nine, Public Laws of nineteen hundred and one, and who has been a resident of said corporation for ninety days and of the ward in which he offers to vote for thirty days immediately preceding the election shall be a qualified voter in said ward."

Section 6 amended.

Who entitled to vote.

Sec. 6. By striking out all of section eight after the word "following" in line two and inserting in lieu thereof: "The oath to be administered by the said registrars in the different wards shall be the same as now prescribed by law for the general elections in the State of North Carolina, with the addition that the elector has resided in the corporation ninety days and in the ward in which he proposes to vote thirty days next preceding the election."

Section 8 amended.

Oath to be administered by registrars.

Sec. 7. By striking out all of section fourteen after the word "following" in line two and inserting in lieu thereof: "Immediately upon closing the polls the poll holders and registrars shall proceed to count the votes cast for all the officers voted for in the presence of such voters as may desire to attend, and make two certificates thereof, one of which to be returned to the chief of police and the other to the Clerk, to be turned over by them to the Board of Aldermen, who shall canvass said vote. Whoever shall receive the greatest number of votes in said town for Mayor shall be declared elected Mayor; whoever shall receive the greatest number of votes in said town for chief of police shall be declared elected chief of police; whoever shall receive the greatest number of votes in said town for Clerk shall be declared elected Clerk;

Section 14 amended.

Result of election, how ascertained.

Who declared elected.

whoever shall receive the greatest number of votes in said town for Treasurer shall be declared elected Treasurer; whoever shall receive in the first ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the first ward for two years; whoever shall receive in the second ward the greatest number of votes in said ward for Alderman shall be declared elected as Alderman from the second ward for two years; whoever shall receive in the third ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the third ward for two years; whoever shall receive in the fourth ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the fourth ward for two years; whoever shall receive in the fifth ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the fifth ward for two years; whoever shall receive in the sixth ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the sixth ward for two years; whoever shall receive in the seventh ward the greatest number of votes for Alderman in said ward shall be declared elected as Alderman from the seventh ward for two years."

Section 15 amended.

Sec. 8. By striking out all of section fifteen after the word "following" in line two and inserting in lieu thereof: "The votes shall

Votes, how counted and canvassed.

be counted and canvassed by the said poll holders and registrars of election according to the laws of North Carolina, chapter eighty-nine, Public Laws of nineteen hundred and one, and there shall be two ballots and two boxes at each polling place; there shall be one ballot to contain the name of the Alderman for the ward in which he is elected, which shall be deposited in one box, and there shall be another ballot to contain the names of Mayor, Clerk, Chief of Police and Treasurer, which shall be deposited in the other box;

Ballots.

and the said ballots may be printed or written on white or colored paper with or without device."

Section 16 amended. City officers.

Sec. 9. By striking out the words "Alderman elect" in line five of section sixteen and inserting in lieu thereof the words "Aldermen, Mayor, Chief of Police, Clerk and Treasurer elect."

Section 19 amended. City officers.

Sec. 10. By striking out the words "Mayor, Clerk, Treasurer, Chief of Police" in lines three and four of section nineteen.

Section 21 amended. Vacancies.

Sec. 11. By adding at the end of section twenty-one the following: "That any vacancy in any of the offices of said town from any cause, death, disability, removal from office or otherwise, shall be filled by the Board of Aldermen."

Section 22 amended. Sanitary tax to be levied.

Sec. 12. By inserting between the word "disease" and the word "with" in line fifteen of section twenty-two the words "and may levy a sanitary tax as hereinafter specified."

Section 26 amended. Certain vocations taxed.

Sec. 13. By adding at the end of section twenty-six the following: "on each oil tank in said town of two hundred gallons or over,

on each butcher doing business in said town, which said tax on each butcher shall not be less than sixty nor more than one hundred dollars per annum."

Section 34 amended.

Sec. 14. By striking out all of section thirty-four after the word "following" in line two thereof and inserting in lieu thereof: "That the chairman of said Board of Aldermen shall preside at the meetings of said board and shall act as Mayor during the absence or sickness of the Mayor or during any vacancy in the office of Mayor, and shall have all the rights and powers of the Mayor during the disability or absence of the Mayor: *Provided*, in no case shall the said chairman or presiding officer be allowed but one vote on any question."

Absence of mayor, who to officiate.

Section 34 repealed.

Sec. 15. By striking out all of section thirty-six thereof.

Section 39 amended.

Sec. 16. By striking out all of section thirty-nine after the word "following" in line two and inserting in lieu thereof: "The Mayor shall be paid a salary from the general funds of the city in the sum of five hundred dollars in full for all services rendered as Mayor of the town, and all fees which are collected from any trial held or conducted by the said Mayor in his official capacity shall be collected by the Chief of Police or other officer and turned into the treasury of said city."

Salary and fees of mayor.

Section 40 amended.

Amount charged.

Sec. 17. By striking out all between the word "sum" in line five and the word "he" in line seven of section forty and inserting in lieu thereof: "in the amount of two hundred and fifty dollars per annum."

Section 41 amended.

Tax collectors.

Sec. 18. By inserting between the word "tax" and the word "he" in line eleven of section forty-one the following: "He shall have the same power to enforce and collect the taxes as the Sheriff of Pasquotank County."

Section 41 amended

Sec. 19. By striking out all between the word "board" in line seventeen and the word "he" in line nineteen of section forty-one and inserting in lieu thereof: "in the amount of seven hundred and twenty dollars per annum and no other fees, which is to be paid in full for all services rendered."

Compensation of collector.

Section 42 amended.

Sec. 20. By striking out all of section forty-two after the word "following" in line two and inserting in lieu thereof: "The Chief of Police shall give a bond with approved sureties in a penal sum to be fixed by the Board of Aldermen and payable to the corporation of Elizabeth City conditioned to diligently perform all the duties imposed upon him by virtue of his office and faithfully pay to the Treasurer all sums of money collected or recovered by him to and for the use of the city, and shall hold his office for the term of two years. The Chief of Police and other public officers shall wear a regular uniform to be adopted by the Board of Aldermen. The compensation of the Chief of Police shall be nine hundred dollars per annum, in full for all services rendered, and all fees collected

Chief of police to give bond.

To wear uniform.

Compensation of.

by him for service upon any court of the corporation or any officer thereof shall be turned into the treasury of said city by him and his bond shall be responsible for such."

Section 49 amended.

Sec. 21. By striking out all of section forty-seven after the word "following" in line two and inserting in lieu thereof: "The Town Aldermen of Elizabeth City are hereby vested with the right to levy and collect a tax on each able-bodied male person residing within the corporate limits, between the ages of twenty-one and forty-five years, not exceeding the rate of one dollar and fifty cents, for the improvement of the public streets, alleys and parks of Elizabeth City, and any person failing or refusing to pay said tax shall be fined not exceeding five dollars; said tax to be collected by the Clerk of said corporation."

Aldermen to levy tax.

Amount, poll, purpose of.

Special tax on each householder, amount.

Sec. 22. The Town Aldermen of Elizabeth City are hereby vested with the right to levy and collect a tax on each householder not exceeding the rate of one dollar and twenty cents per annum, payable monthly or otherwise in the discretion of the said board, and to make such ordinances as may be necessary to carry into effect any sanitary regulations for the health and comfort of said city and to carry into effect this amendment; said tax to be collected by the Clerk of said corporation.

Taxes from circuses.

Sec. 23. It shall be lawful for the Board of Aldermen to collect a tax from any circus or show exhibiting within one mile of the town limits of Elizabeth City, and any manager or managers of any circus or show which shall be held within one mile of the said town limits without its first having paid the town license tax as aforesaid shall be guilty of a misdemeanor and fined fifty dollars.

Penalty for not paying tax.

Penalty for refusal to pay fine.

Sec. 24. Any person or persons failing or refusing to pay any fine imposed under any ordinance of the said town of Elizabeth City may be imprisoned thirty days or put to work upon the public streets or alleys of said town until the aforesaid fine and costs are paid.

Vital statistics to be collected.

Sec. 25. The Board of Aldermen of said town shall provide for the collection of the vital statistics of the town by its health officer, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

Repealing clause.

Sec. 26. All acts and all laws and clauses of laws in conflict with this act heretofore enacted are hereby repealed.

Sec. 27. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 21st day of February, A. D. 1903.

Chapter 122.

AN ACT TO AUTHORIZE THE TOWN OF GREENVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the town of Greenville is hereby authorized and empowered to issue, in its name, sixty-five thousand dollars of interest-bearing coupon bonds for the purpose and in the manner hereinafter set out, if a majority of the qualified voters of said town shall vote in favor of issuing such bonds at an election to be held as hereinafter provided.

Greenville to issue bonds. Amount. Qualified voters to decide.

Sec. 2. That the question of issuing said bonds shall first be submitted to the qualified voters of said town at a special election to be held for that purpose on the first Tuesday in April, 1903, which said election shall be conducted under the general election laws of this State, for Aldermen of said town, except as modified by this act. The Board of Aldermen of said town shall, at a meeting held on or before the first Thursday in March, 1903, appoint a registrar and two judges of election for each of the wards of said town, as the same may be then constituted. And the Board of Aldermen shall cause to be procured or prepared proper registration and poll books for the registration of voters and the proper conduct of said election, which registration and poll books shall be kept and used as the election records of said board. And as there has been no registration for a town election since the new suffrage laws went into operation, and for the purpose of ascertaining the true sense of the legal voters of said town on the question of issuing bonds as provided for in this act, it is ordered that the Aldermen of said town provide for an entirely new registration of the qualified voters thereof. The Mayor shall, at least twenty days before the election, issue his proclamation giving notice of said election and designating therein the persons chosen to conduct the same and the exact place in each ward where it is to be held. It shall be the duty of the registrar in each ward to register all persons entitled by law to be registered as a voter in said ward, and this he may do for convenience at his own home, or at any other place in said town, but it shall be the duty of the registrar in each ward to attend with his registration book at the place designated by the Mayor in his proclamation on Thursday, Friday and Saturday next preceding the election, from two o'clock to sunset each day, for the purpose of registering all persons entitled to register and who have not been registered. And it shall be the duty of the judges of election to attend with the registrar in their respective wards on Saturday preceding the election for the purpose of hearing and determining all contests and challenges as to registration.

Election, when and how to be held. Election officers. Registration and poll books. New registration. Mayor to make proclamation. Duty of registrars. Duty of judges.

The registration books shall be open to inspection at all times, and they shall be finally closed at sunset on the Saturday immediately preceding the election. If any vacancy shall occur at any time, for any cause, in the position of registrar or judges of election for said election, it shall be reported to the Mayor, who shall immediately fill the same. The polls shall be opened at eight o'clock A. M. on said first Tuesday in April, 1903, and shall be closed at six o'clock P. M. on said day, and all persons whose names are found on the registration book shall be entitled to vote at said election for or against issuing said bonds. Those desiring to vote for it shall vote a written or printed ticket on which shall be written or printed the words "For Bonds," and those desiring to vote against it shall vote a written or printed ticket on which shall be written or printed the words "Against Bonds." The registrar and judges of election shall immediately after the closing of the polls count the votes cast and shall make and sign duplicate returns thereof and which shall be sealed up and delivered as follows: One sealed copy shall be delivered to the Clerk of the Board of Aldermen, together with the registration and poll books, and one copy to the Mayor. The Mayor and Board of Aldermen shall meet at eight o'clock on Thursday next immediately succeeding said election at their usual place of meeting, and in the presence of such persons as choose to attend proceed to open and count said returns, and if all the returns are in they shall make and publish an official announcement of the result of said election, in which they shall certify to the whole number of registered votes, the number cast for and the number cast against said proposition. If for any cause the returns have not been made, the board, before making and declaring the result, shall procure and compel such return. The Mayor shall, after the result has been declared by the board, issue his proclamation repeating said result.

Vacancies in election officers.

Polls.

Ballots.

Return of election.

Result, how determined.

If majority for bonds, duty of aldermen.

Sec. 3. That if a majority of the qualified voters of said town, as ascertained by said registration and election, shall vote "For Bonds," then the Mayor and Board of Aldermen of said town are authorized and directed to cause to be prepared interest-bearing coupon bonds to an amount not to exceed sixty-five thousand dollars. Said bonds shall be of the denomination of five hundred dollars each, and shall run for thirty years and shall bear interest at such rate as may be fixed therein, not to exceed five per cent. per annum. The interest on said bonds shall be payable semi-annually on the first days of January and July of each and every year. The said bonds shall be signed by the Mayor and Clerk as they are issued and delivered as herein provided.

Bonds to be delivered to Board of Internal Improvement.

Sec. 4. That said bonds after being signed by the Mayor and Clerk shall be issued and delivered from time to time to the Board of Internal Improvements hereinafter provided for, in blocks or as

a whole, as they may be called for, but the entire amount so issued and delivered shall not exceed in the aggregate the sum of sixty-five thousand dollars.

Record to be kept.

Sec. 5. That said bonds shall be numbered consecutively from one to one hundred and thirty, and the Board of Aldermen shall keep a record of the number signed and delivered to the Board of Internal Improvements, with the date of their delivery, and the Board of Internal Improvements shall keep a record of the sale of each bond, to whom sold and the amount paid, which shall be reported to the Board of Aldermen to be filed and recorded by said board.

Tax to be levied for payment of interest.

Sec. 6. That to provide for the prompt and regular payment of the interest on said bonds it shall be the duty of the Board of Aldermen of said town each and every year, at the same time that other taxes are levied, to levy a sufficient special tax upon all the taxable polls and property and other subjects taxed by said town to pay said interest as the same may become due and payable. The board shall cause said special tax to be levied, collected and accounted for as other taxes are, and they shall cause the same to be set aside for the special purpose of paying the interest on said bonds and it shall be used for no other purpose.

Past due coupons.

Sec. 7. That the first payment of interest on said bonds shall be due and payable January 1st, 1904, and if any of said bonds shall be sold after that time the Board of Aldermen or the Board of Internal Improvements, as the case may be, shall cause all past due coupons to be clipped from the bonds before the delivery of the same, and the coupons so clipped off shall be cancelled and filed with the records of the board.

Sinking fund, when to be created.

Sec. 8. That beginning ten years after the ratification of this act the Board of Aldermen of said town shall begin to set aside from the taxes and other revenues of said town a sinking fund to pay the principal of said bonds or any other bonds at maturity, and for this purpose they may levy a special tax not to exceed the sum of fifteen cents on every hundred dollars worth of taxable property and forty-five cents on every taxable poll within said town, unless a greater sum shall be authorized by a special act of the General Assembly, ratified and approved by the qualified voters of said town at a special election to be held for that purpose.

Tax levy, amount poll and property.

Board of internal improvement, how elected.

Sec. 9. That at the election hereinbefore provided for there shall be elected five citizens of said town, who shall be known and designated as the Board of Internal Improvements for said town, whose term of office shall commence on the second Monday in April, nineteen hundred and three, and continue for five years, and the said Board of Internal Improvements shall receive and sell said bonds and use the proceeds for the purposes and in the manner herein set out.

Vacancies.

Sec. 10. That if a vacancy shall occur in said Board of Internal Improvements from any cause the Board of Aldermen of said town shall elect some suitable person or persons to fill such vacancy or vacancies.

Treasurer of board.

Sec. 11. That the Board of Internal Improvements shall designate some person as treasurer of said board not of their number,

Bond and compensation of.

who shall enter into such bonds as may be required by said board for the faithful custody of the proceeds of the sale of said bonds or other funds, and for the faithful performance of such duties as may be prescribed by said board. The said board shall fix the compensation of such treasurer, not to exceed one per cent. on the amount of the disbursements.

Bonds, how sold.

Sec. 12. That the Board of Internal Improvements shall advertise said bonds for sale and shall take such other steps as they may deem advisable to secure the best possible price, but no bond shall be sold for less than its face value.

Proceeds of bonds, how expended.

Sec. 13. That said Board of Internal Improvements shall expend or cause to be expended by some competent person or persons the proceeds of the sale of said bonds in establishing, installing and

Lights, sewerage, streets and water.

putting in operation in and for said town a system of electric lights and such a system of water-works, sewerage and street improvements as they may deem for the best interest of said town, and

Town hall, fire department, etc.

in the erection of a market house, town hall and rooms and other necessary quarters for the fire department, apparatus and horses, and in making such other improvements as the said board and

Proviso.

the Board of Aldermen may adopt for said town: *Provided*, the said board shall first cause to be paid out of the proceeds of the sale of said bonds to the Town Treasurer the sum of $1,750 to replace

Permanent survey to be first paid for.

the sum paid out of the general fund for the purpose of making the preliminary and permanent surveys for the proposed system of lights and water-works.

To make monthly reports.

Sec. 14. That the Board of Internal Improvements shall make a report to each monthly meeting of the Board of Aldermen, which shall set out in detail the proceedings of the previous month, which report shall be filed with the records of the Board of Aldermen and shall be open at all times to the inspection of the citizens of the town of Greenville.

Record of proceedings to be kept.

Sec. 15. That said Board of Internal Improvements shall keep a full and complete record of their proceedings, which shall likewise be open at all times to the inspection of the citizens of the town of Greenville.

Powers and duties of board.

Sec. 16. That said Board of Internal Improvements may contract for the material for plants and other improvements or further construction of the same, or they may cause the same to be erected under the immediate supervision of the said board or otherwise, as they may deem best, but in any and all events the town shall be

the sole owner of the property, plants and other improvements, and shall have the sole and exclusive control and management of the same, and said board and the Board of Aldermen are forbidden to make any contract or agreement with any person or corporation which would in any way interfere with this exclusive ownership and control.

Eminent domain.

Sec. 17. That in the erection, operation and maintenance of said plants and improvements the Board of Aldermen may take, use, occupy and condemn such private property in or out of said town as may become necessary. And when the property owner and the board cannot agree upon the amount of damages to be paid for the property so taken or condemned, the controversy shall be determined as is provided for in the charter of said town or as is provided in the general laws of the State for the condemnation of property, except that the town may proceed at once to take and use such private property without waiting for the determination of such proceedings, but the town's title to such property or its rights to permanently occupy the same shall not become absolute until the final judgment of the court is complied with.

Aldermen to regulate price and toll of public utilities.

Sec. 18. That the Board of Aldermen of said town shall have the power to fix the price, terms and conditions for the use of the lights and water supplied by said plants to individuals, firms or corporations in or out of the corporate limits of said town and to prescribe all needful rules and regulations concerning the use of or damages to the same.

Unlawful to damage public property.

Sec. 19. That it shall be unlawful for any person or persons or corporations to willfully injure, damage or destroy any of the property erected under this act or to contaminate the water supply used by said town, and any person convicted of violating any of the provisions of this section shall be fined or imprisoned, or both, in the discretion of the court.

Penalty.

Chapter 121 Private Laws 1901 repealed.

Sec. 20. That chapter 121 of the Private Laws of 1901, being an act entitled "An act to authorize the town of Greenville to issue bonds for the purpose of making improvements in said town," and every part of said act, is hereby repealed.

Sec. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 21st day of February, A. D. 1903.

CHAPTER 123.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF BUENA VISTA, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Chapter 206 Private Laws 1901 repealed.

SECTION 1. That chapter two hundred and six of the Private Laws of the year eighteen hundred and ninety-one, it being an act incorporating the town of Buena Vista, in Buncombe County, be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

CHAPTER 124.

AN ACT TO AUTHORIZE BESSIE HINES OF CASWELL COUNTY TO BE RECEIVED INTO THE INSANE ASYLUM AT MORGANTON.

The General Assembly of North Carolina do enact:

State Hospital to receive Bessie Hines as a patient.

SECTION 1. That the board of directors of the State Hospital at Morganton is hereby authorized to admit as a patient Bessie Hines, an idiot residing in Caswell County.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

CHAPTER 125.

AN ACT FOR THE RELIEF OF MISS MATTINETT PICOT OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

School Commissioner, Butterwood township, Halifax county No. 2, to pay Miss M. Picot $60.

SECTION 1. That E. A. Carter, T. C. Alston and J. B. Patterson, School Committeemen for Butterwood Township, in Halifax County for School No. 2, white race, in said township, be authorized and required to issue to Miss Mattinett Picot an order on the treasurer of the county school fund in the sum of sixty dollars, for services rendered in teaching said school, and the County Superintendent be authorized and required to countersign said order, and

that the Treasurer of Halifax County be authorized and required to pay said order out of any money that may be due or may hereafter accrue in said school district.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 126.

AN ACT TO ALLOW THE CITY OF HIGH POINT TO ISSUE ADDITIONAL BONDS FOR GRADED SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the city of High Point, Guilford County, shall, upon request of the Board of School Commissioners of the city of High Point, submit to the qualified voters of the said city the question of issuing bonds for a sum not exceeding fifteen thousand ($15,000) dollars. Of the said fifteen thousand ($15,000) dollars not less than ten thousand ($10,000) dollars shall be used for the purpose of buying a lot or lots north of the Southern Railway and erecting thereon a building or buildings suitable for graded school purposes. Of the sum of fifteen thousand ($15,000) dollars not more than five thousand ($5,000) dollars shall be used for the purpose of funding the debt now existing upon the graded school property of the city of High Point. The said Board of Aldermen shall give twenty days' notice of said election in the *High Point Enterprise*, a weekly newspaper in said city.

School bonds to issue, how, election.

Amount and purpose of issue.

To fund existing debt.

Notice of election.

Sec. 2. That the Board of Aldermen must give the proper notice and observe the general election laws of the State, and the qualified voters of said city shall vote at said election tickets on which will be written or printed the words "For Bonds" or "Against Bonds," and the result of said election shall be ascertained and declared under the same rules and regulations as govern and determine the results of elections under the general laws of the State. The rejection by the voters of any proposition submitted to them under this act shall not prevent the same or other propositions being submitted to the said voters at any time that the said Board of Aldermen upon request by the Board of School Commissioners of the city of High Point may appoint; and that the said board may continue to call elections under this act until the whole amount of fifteen thousand ($15,000) dollars shall have been issued: *Provided*, the said Board of Aldermen may, in its discretion, order a new registration of voters.

Election, how held.

Ballots.

Subsequent elections.

If majority for bonds.

Sec. 3. That if a majority of the qualified voters of said city shall vote at said election in favor of bonds, it shall be the duty of the Board of School Commissioners of the city of High Point and their successors to levy annually a special tax, not exceeding thirty-three and one-third cents on the one hundred dollars valuation of all the taxable property of said town and upon the poll not exceeding one dollar, and the said tax shall be collected annually by the Tax Collector as other taxes are collected.

Special tax to be levied.
Amount poll and property.

Aldermen to issue coupon bonds.

Sec. 4. That it shall be the duty of the Board of Aldermen of said city, and the said Board of Aldermen is hereby authorized and fully empowered to issue coupon bonds of the city of High Point, not to exceed in amount the sum of fifteen thousand ($15,000) dollars and in denominations of not less than fifty ($50) dollars nor more than five hundred ($500) dollars, bearing interest from date of bonds at a rate not to exceed the rate of interest allowed by the general laws and payable semi-annually on the first day of March and the first day of September of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said Board of Aldermen and named therein, not to be less than ten nor more than thirty years from date thereof: *Provided, however,* that the said Board of Aldermen of the city of High Point may divide said bonds into classes as they may determine, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the Mayor of the city of High Point and countersigned by the Treasurer of said city and have the corporate seal of said city affixed thereto, and the coupons thereto attached shall be signed by the Mayor of said city, and that a full record of said bonds shall be kept by the Secretary of said Board of Aldermen.

Amount, shares, interest.
Time to run.
Proviso.
Bonds to be divided into classes.
Style of bonds and how executed.

To be sold for face value.
Bonds to be delivered to treasurer of school board.
Official liability.
To keep fund separate.
How applied.

Sec. 5. That said bonds shall not be sold for less than their face value; that when issued said bonds shall be deposited with the treasurer of the Board of School Commissioners of the city of High Point, and shall not be delivered to any purchaser until the purchase money is paid in full, and that the said treasurer and the sureties on his official bond shall be liable to account for and pay over the same as provided in this act. It is further enacted that said treasurer shall keep separate from all other public moneys coming into his hands the moneys arising from the sale of said bonds, and the moneys thus arising from the sale of said bonds shall be expended and exclusively applied by the Board of School Commissioners of the city of High Point to the purposes set forth in the call of the Board of Aldermen for an election which must be in conformity with the purposes specified in section one of this act.

Special tax to be paid to school commissioners.

Sec. 6. That the special taxes mentioned in section three of this act shall be paid over by the Tax Collector, after deducting such

commissions as the Board of School Commissioners of said city shall allow him, to the treasurer of the Board of School Commissioners, who shall be one of their number, and the said treasurer shall keep the moneys thus arising from special taxes which may come into his hands and shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman of the said Board of School Commissioners, and the treasurer shall pay out the moneys arising from the sale of said bonds only upon a warrant or order duly signed by the chairman of said Board of School Commissioners. How disbursed.

Sec. 7. That the property purchased for the purposes of this act, both real and personal, shall become the property of the said graded school and shall be vested in the Board of School Commissioners of the city of High Point in trust for said graded school; and the said Board of School Commissioners for said city be and they are hereby authorized and empowered to sell the same, either publicly or privately, and apply the proceeds to the graded school, when in their judgment it is necessary. Property purchased under this act vested in school board.

Sec. 8. That the Board of School Commissioners of the city of High Point, as constituted and established under the Public Laws of 1897, chapter 392, shall have entire and exclusive control of the said school property obtained under this act, and shall employ and fix compensation of officers and teachers and shall do all other acts that may be necessary, just and lawful for the successful management of the said graded school. School board to have exclusive control of property.

Sec. 9. That the provisions of chapter 392 of the Public Laws of 1897, as amended by chapter 279, Public Laws of 1901, shall be considered a part of this act, except in so far as the same have been changed by this act. Chapter 393 Public Laws 1897, as amended by chapter 279 Public Laws 1901, a part of this act.

Sec. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Repealing clause.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 127.

AN ACT TO INCORPORATE THE BANK OF FRANKLIN.

The General Assembly of North Carolina do enact:

Section 1. That F. S. Johnston, Lee Crawford, Jno. W. Mann, A. W. Horn, Sam L. Kelly, J. G. Siler, E. H. Franks, T. B. Higdon, Sam L. Rogers, Robert P. Harris, Daniel Ravenal, W. A. Rogers, Incorporators.

J. S. Sloan, J. O. Harrison, J. R. Pendergrass, J. C. Wright, N. L. Barnard, W. B. McGuire, Geo. H. Bidwell, D. W. Blaine and Geo. A. Jones, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and

Corporate name. style of the "Bank of Franklin," and by such name may acquire,

Powers and privileges. hold and convey real and personal property; may sue and be sued, plead and be impleaded in any of the courts of the State and have

Corporate existence. a continuous succession for a term of sixty years, and have and use a common seal for the purchase [purposes] indicated in this act.

Capital stock. Sec. 2. That the capital stock of the corporation shall be not less than ten thousand dollars, in shares of one hundred dollars

When to commence business. each, nor more than fifty thousand dollars. The corporation may commence business when a majority of the above named incorporators accept this charter and when ten thousand dollars of the capital stock above mentioned is subscribed and paid in.

Liability of stockholders. Sec. 3. That the stockholders of the corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Directors, president. Sec. 4. That the affairs of the corporation shall be managed by a board of not less than three nor more than seven directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president, who shall serve for one year and until his successor shall have been elected.

Vice President. The directors may in their discretion elect a vice-president, who, in the event of the death, absence or disability of the president, shall be vested with all the rights and authority conferred upon the

Vacancies, salaries. president. A majority of the board of directors shall have power to fill any vacancies that may occur in the board and to appoint such other officers as may be necessary, fix their salaries and require bonds for the faithful performance of their duties.

Principal office. Sec. 5. That the principal office of the corporation shall be in the town of Franklin, Macon County, North Carolina.

Powers of corporation. Sec. 6. The corporation shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange, gold and silver coin, stocks, bonds, notes and other securities; to buy and sell real and personal property; lend money on real or personal security or to make loans secured by real or personal property; to receive deposits; and for the use and loan of money may charge a rate of interest per annum as high as may be allowed by the laws of the State, and may take and receive said interest at the time of making said loan, and shall have all the powers, rights, privileges and immunities that may be necessary to

Deposits by married women and minors. carry on a general banking business. When married women or minors shall deposit money or property in the bank to their own

credit or in their own name they may withdraw the same on their individual check and be bound thereby. Deeds of real estate conveyed by the bank shall be made in the name of the corporation, signed by the president and attested by the cashier under the common seal of the corporation. Conveyances.

Sec. 7. That the corporation shall have a lien upon the stock and deposits of any stockholder for any unpaid amount due on the stock and for any debt or liability of the stockholder, superior to all other liens: *Provided*, this condition is printed on the certificates of stock issued by the corporation. And in case any subscriber to any stock of the corporation shall fail to pay for his stock or any part thereof, or in case any assignee of any such stock or any other authorized or legal holder thereof shall fail to pay the same when due, or if the holder of said stock shall fail to pay his indebtedness to the bank, the said corporation is hereby authorized and empowered either to sue such owner or holder for the recovery of the amount due or to sell the said stock by public sale at the banking house of the corporation, first giving ten days' notice of such sale at the court-house door in said county and due notice to the holder of such stock; and the amount realized from such sale shall be applied first to the cost of sale and the indebtedness due the corporation, and pay the remainder, if any, to the holder of such stock. And if the amount realized at such sale be insufficient to pay the balance due, then such balance may be recovered by suit against such subscriber, holder of the stock or debtor. Corporation to have lien on stock, when. Stock in arrears.

Sec. 8. That the stock of the corporation shall be transferred only on the books of the corporation, either in person or by power of attorney; and no stockholder shall transfer his stock except by the consent of a majority of the directors of the corporation while he is indebted to the corporation either as principal, security, or otherwise: *Provided*, this condition is printed on the certificates of stock issued by the corporation. Any married woman owning or holding any of the stock of the corporation shall have the right and authority to sell or assign the same as if she were a *feme sole*. Transfer of stock, how made. Married women who own stock.

Sec. 9. That the stockholders of the corporation are hereby authorized to make such by-laws, rules and regulations for the government of the corporation as may seem to them proper, not inconsistent with the provisions of this act and the Constitution and laws of this State or the United States. By-laws.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 128.

AN ACT TO INCORPORATE THE TOWN OF ORRUM, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Orrum, Robeson county, incorporated.

Section 1. That the inhabitants of the town of Orrum, in the county of Robeson, shall be and are hereby created a body corporate, under the name and style of the Town of Orrum, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as its Board of Commissioners may deem necessary and expedient.

Temporary officers, personnel.

Sec. 2. That James Arnette shall be Mayor and Alfred Lawson, W. A. Humphrey, M. Shepherd and H. S. Nye shall be Commissioners and D. C. Lawson shall be Town Constable, and that W. O. Britt shall be Town Clerk and Treasurer, and the same are hereby declared the Mayor, Commissioners, Constable and Town Clerk and Treasurer, with the power and duties of the duly qualified officers of the town of Orrum, until their successors are duly elected and qualified, as hereinafter provided.

Corporate limits.

Sec. 3. That the corporate limits of the said town shall be and are hereby declared to be included within the following boundaries,

Description.

to-wit: Beginning at a point one-half mile due north of the point where the public road known as the Creek Road crosses the A. C. L. Railroad, about 60 yards west of Orrum depot, and runs due east one-half mile; thence due south one mile; thence due west one; thence due north one mile; thence due east one-half mile to the beginning, so as to form a right angled parallelogram with the intersection of said railroad with said public road as its centre.

Officers.

Sec. 4. That the officers of said town shall consist of a Mayor and four Commissioners, to be elected by the qualified voters of the said town annually on the first Monday in May.

Elections.

Sec. 5. That said election for the Mayor and Commissioners shall be held at the Mayor's office in said town, and no person shall be

Who entitled to vote.

entitled to vote at said election, or at any election held in said town for municipal purposes, unless he shall be an elector of the State of North Carolina under existing laws and shall have resided, ninety days next preceding the day of the election, within said corporation.

Registrar and judges.

Sec. 6. That it shall be the duty of the Commissioners of said town, on the first Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town and who shall, within ten days thereafter, be notified

Notice of registration.

of their appointment by the Constable of said town. The registrar so appointed shall immediately make publication at the door of the Mayor's office and three other public places in said town of his

appointment as such. He shall be furnished with a registration book by the Commissioners of the said town, and it shall be his duty to revise any existing registration book of the said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town, without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for twenty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town, or do not appear on the revised lists, but the Commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein. Duty of registrar. New registration.

Sec. 7. That the registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by Article 6, section 4 of the Constitution of North Carolina, before some justice of the peace of Robeson County or the Mayor of the said town of Orrum. Oath of election officers.

Sec. 8. That it shall be the duty of the registrar and judges of the election to attend at the polling places in said town, with the registration book, on the Monday preceding the election from the hour of nine o'clock A. M. until the hour of five o'clock P. M., when and where the said book shall be open for the inspection of the electors of the said town, and any of the electors of the said town shall be allowed to object to the name of any person appearing on said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before the election day when he, together with the said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any other time than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes. Challenges. Proviso. Challenge.

Sec. 9. That said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of election held in said town and shall open the polls at 7 o'clock A. M. They shall superintend said election and shall keep the polls open until sunset, when the polls shall be closed and the votes for Mayor and Commissioners shall be counted out by them. They shall keep poll books and shall write Polling place. Election, how conducted.

in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the Clerk and Treasurer of said town, and said poll books shall, in any trial for illegal or fraudulent voting be received as evidence.

Failure of election officers to attend.

If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn before acting.

Ballots.

Sec. 10. That the voters shall vote by ballot, having the name of the Mayor and Commissioners on one ballot, either in writing or printed on white paper without device, and the person having the highest number of votes shall be declared elected by the judges of

Result of election.

election, who shall certify said fact to the Town Clerk and Treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Eligibility to office.

Sec. 11. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Officers elected to be notified.

Sec. 12. That immediately after each election it shall be the duty of the Town Clerk and Treasurer to notify, in writing, the Mayor and Commissioners-elect of their election.

Oath of office.

Sec. 13. That the Mayor and Commissioners-elect shall, within three days after having been notified by the Town Clerk and Treasurer, before some justice of the peace of said county take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed upon them by law.

Persons elected refusing to serve, penalty.

Sec. 14. That any person elected Mayor or Commissioner of said town under the provisions of this chapter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one-half to the person suing for the same and the other half to said town, to be applied by the Commissioners of said town to the use and benefit thereof; the said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

Clerk and treasurer to be elected.

Sec. 15. That said Commissioners shall, at their first meeting after their election, select some one as Town Clerk and Treasurer, who shall hold office for one year, or until his successor is duly elected

Duties of, official bond.

and qualified. He shall act as Secretary of the Board of Commissioners and Treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties, to be approved by the Board of Commissioners of said town, in the sum of five hundred dollars, payable to the State of North Carolina, and conditioned upon his faithful accounting for and paying over all moneys that may come into his hands as Treasurer of said town and for the faithful discharge of his duties as Secretary of the Board of Commissioners of the said town. The Board of Commissioners of the said town may require

of the Town Clerk and Treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the Commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bonds of any of the officers of the said town shall be in the name of the State of North Carolina, to the use of the Board of Commissioners of the town of Orrum against the said official and his sureties.

Monthly statements by.

Failure to file statement.

Suits on official bonds.

Sec. 16. That the said Commissioners shall, at the first meeting after their election, select some one to act as Constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of five hundred dollars, with good and sufficient sureties, to be approved by the Board of Commissioners of said town, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as Constable aforesaid, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said Constable, upon his faithfully collecting and paying over all taxes levied by the Commissioners of said town, and in all other respects honestly and faithfully and to the best of his ability executing all the duties imposed upon him by this charter or by the Board of Commissioners of the said town. And the Board of Commissioners of the said town may also elect and provide for the pay of such number of policemen and watchmen for said town as in their judgment may be necessary to efficiently carry out and enforce the ordinances and regulations thereof and the criminal laws of the State in said town. The said policemen and watchmen of said town, when elected, shall be qualified in the manner provided for the Constable, and shall, in the enforcement of the general laws of the State and the ordinances and regulations of said town, have all the powers conferred on the Constable of said town by the provisions of this act and the general laws of the State and such as may be hereafter provided. The said policemen and watchmen may be required to give bond for the faithful discharge of the duties of their said offices in such sums as the Commissioners may fix, and may be removed by them at any time for neglect of duty, drunkenness or other cause.

Constable, when and how elected.

Tenure.

Duties, official bond.

Policemen appointed.

Duties of, official bond.

Sec. 17. That the Mayor of said town of Orrum is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or hereafter may be given to justices of the peace; he shall

Mayor created a special court. Jurisdiction.

preserve and keep the peace, and may cause, upon proper proceedings, persons charged or convicted of crimes in other counties or States, who may be found in the town limits, to be arrested and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances or regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules and ordinances made by the Commissioners of said town.

Warrants issued by mayor.

Sec. 18. That the Mayor may issue his warrant upon his own information of any violation of any town ordinance without a written affidavit, and may issue the same to any constable of the town or to such other officers as may be clothed with the powers of the Constable, or to such other officer as a justice of the peace may issue his precepts.

Duties of mayor.

To preside at meetings of commissioners.

Record to be kept.

Sec. 19. That the Mayor shall preside at all meetings of the Town Commissioners, and vote in no case except in an equal vote between said Commissioners, then he shall give the casting vote. He shall keep a faithful minute of all precepts issued by him and of all judicial proceedings. Judgments rendered by him shall have all the force, virtue and validity as if issued by a justice of the peace, and may be executed and enforced against the parties in the courts of Robeson County and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Robeson County.

Violations of ordinances.

Sec. 20. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days.

Imprisonment by mayor.

Sec. 21. That the Mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoners shall only be discharged as now or as may hereafter be provided by law.

Fees of mayor.

Sec. 22. That the Mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and an additional salary to be allowed by the Commissioners, if they see fit.

Commissioners, quorum.

Duties of, meetings.

Sec. 23. That the Commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for Commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same.

Call meetings.

Special meetings of the Commissioners shall also be held on the call of the Mayor or a majority of the Commissioners, and of every such meeting when called by the Mayor the Commissioners not joining in the call to be notified verbally or in writing.

Sec. 24. That the Commissioners shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the good government of the said town as they may deem necessary, and shall have power and it shall be their duty to provide for and secure the peace, good order and tranquility of the town against disturbanees by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace or irregularities of whatever nature tending to disturb the peace of the citizens. They shall provide for the repairing of the streets, sidewalks and alleys, and eause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observanee of the Sabbath, suppress and remove nuisanees, prohibit the indecent exposure of the person and prohibit and suppress the sauntering around, advertising or practicing their vocation by lewd women, by imposing such fines and imprisonments, in all eases within the jurisdiction of a justice of the peace, as they shall deem adequate.

Ordinances, by-laws.

Public peace.

Repair of streets.

Fires, nuisances, lewd women, etc.

Sec. 25. That the Commissioners may require the abatement and removal of all nuisanees and shall have power to pull down any old house, barn or other building in said town when same may be considered dangerous from fire or other cause to the safety of the person or property of adjacent residents: *Provided, however*, that before such removal the owner of such property shall be notified in writing by the clerk of sueh board of the action, and allowed one month for repairing or removing such building. That all damages may be agreed upon between the Mayor and the party whose property is removed under this section, and in ease they cannot agree they may select a third person, and the decision of two of these shall be final, except an appeal is filed within ten days.

Abatement of nuisances.

Proviso.

Notice to be served.

Sec. 26. That the Commissioners may build or establish a guard-house in which to seeure or eonfine offenders against town ordinances; and for feeding sueh prisoners the Town Constable or Marshal or other officer shall be allowed such eompensation as is allowed the keeper of the common jail in Robeson eounty: *Provided*, in the above case that no prisoner or offender shall be confined in such guard-house more than twenty-four hours without first having his case heard and determined before the Mayor.

Guard-house, prisoners.

Proviso.

Period of confinement.

Sec. 27. That the Commissioners shall have power to lay out and open any new street or streets within the corporate limits of the said town whenever deemed neeessary by them, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to the owners of property damaged thereby. In cases where owners of land cannot agree with the Commissioners regarding the value of land or property and the damages, the Mayor of the town

Streets, eminent domain.

shall issue his warrant to the Town Constable, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by the party claiming damages, shall determine the value of said property and assess the damages, after which they shall return a report of their proceedings, findings, etc., into the office of the Mayor to be filed. Before proceeding to view the said premises and assess said damages the parties so summoned shall take an oath before the Mayor or some justice of the peace to make a fair, just and impartial discharge of the duties of appraiser and assessor and report the same. If the party damaged or claiming damages refuse to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either a majority of the Commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the Superior Court of Robeson County, and in that case the report of the valuation and the proceedings therein shall be sent in by said appraisers to said court there to be determined.

Proviso, may appeal to Superior Court.

To levy and collect taxes, purpose of.

Sec. 28. That the Board of Commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint-stock companies, all personal property, and all other subjects of taxation now taxed or which may hereafter be taxed by the General Assembly of North Carolina for State and county purposes, and on the taxable polls within said town: *Provided, however*, that the taxes levied by them shall not exceed twenty-five cents on the one hundred dollars valuation of all property in said town and seventy-five cents on each taxable poll to meet all the liabilities of the said town in the way of indebtedness, bonded or otherwise, which now exists or which may hereafter be created; and the valuation of all property within said town, as taxed by said Commissioners, shall be the same as that at which it was assessed for taxation on the first day of June in that year for State and county purposes: *Provided*, that the Board of Commissioners of said town may at a regular meeting, after ten days' notice to any person liable to taxation in said town, raise the valuation of such property in said town as they deem unreasonably low, and they may, in order to discover and have properly listed all solvent credits, stocks, bonds, etc., subject to taxation in said town, summon any person whom they may have reason to believe is the owner of any property of such nature which is unlisted, or which being listed is not properly valued, to appear before the said Board of Commissioners at a regular meeting and to answer under oath such questions as may tend to discover the existence of property of the character above named, and in the event any person so summoned shall fail or refuse to appear and

Subjects of taxation.

Proviso.

Amount, property and poll.

Valuation of property.

Proviso.

Under valuation.

answer such questions as are proper under the provisions of this section, the said Board of Commissioners may proceed to investigate the matter by other evidence, and may summon and examine any witnesses necessary for a joint decision of the question at issue, and may require by proper order the production of any books, records, papers or evidences of the existence of such property that they may deem proper or necessary, and if a majority of said Board of Commissioners shall decide that any person is the owner of any property of the character above set out that is not listed or not properly named, they shall order the same to be entered upon the tax lists, or the value increased by the Town Clerk and Treasurer, and the said property so listed shall be subject to the payment of all taxes levied by the said town and collected as other taxes therein.

Taxes except license taxes, when payable.

Sec. 29. That all taxes levied by the Commissioners of the said town, except license taxes or privilege taxes, shall be due and payable on the first day of October of each year to the Constable or Tax Collector of said town, and after that time may be collected by him by distraining any personal property of the tax payer to be found within said town.

Notice to make return of taxes, when.

Sec. 30. That on the first Monday in July of each and every year, the Town Clerk and Treasurer of said town shall, by advertisement at the door of the Mayor's office and four other public places in said town, notify all persons in said town to come forward and make return of their tax lists to him within thirty days from the publication of said notices. All persons owning property in said town, and liable to taxation, shall make returns of their taxable property under oath to said Clerk and Treasurer, and he is hereby authorized and empowered to administer to such tax payer an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of this charter. Said lists so returned shall state the age of the tax payer, and all property, real and personal, liable to taxation owned by him June the first of that year, when he was required by law to return the same to the list taker of Sterling's Township, to be assessed for taxation for State and county purposes.

Oath of tax payer.

Return, what to state.

Property, how and by whom returned.

Sec. 31. That all persons owning any property within said town liable for taxation for town purposes shall return same to the Town Clerk, as provided in section 30 of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis* shall be returned as herein provided by their guardian or guardians, if they shall have any such.

Trust property, how return to be made.

Sec. 32. That all property liable to taxation for town purposes in said town and held by executors, administrators or other trustees shall be returned by them in that capacity, and the individual

property of all such guardians, executors, administrators or trustees shall first be distrained by the Constable or Tax Collector of said town for the satisfaction of the taxes due on all property so returned by them; and the Constable or Tax Collector of said town is hereby authorized at any time after the taxes may [be] due the town on said property as aforesaid, to distrain any personal property of such guardian, executor, administrator or other trustee to be found in said town.

Clerk and treasurer to make out list of tax property and polls.

Sec. 33. That the Town Clerk and Treasurer shall make out a full and complete list of all taxable property in said town so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make returns to the Clerk as herein provided for, for thirty days after the first Monday in July of each year, the Town Clerk and Treasurer shall make return of the taxable property of such person or persons so failing to make returns of their property and poll, who shall be liable to double taxation on their property and poll, to be collected as other property and poll taxes. The Town Clerk and Treasurer of the said town shall complete the tax lists and place it, or a certified copy thereof, in the hands of the Constable or Tax Collector of said town on the third Monday in August in each year. Such tax list or certified copy thereof, certified by the Town Clerk and Treasurer, when placed in the hands of the Constable or Tax Collector of said town shall have the force and effect of an execution.

Clerk to make return of persons failing to do so.

To give tax collector certified copy of tax list, when.

Lien for unpaid taxes.

Sec. 34. That the lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August in each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax payers within the town shall be liable to be seized and sold after ten days' notice at the Mayor's office and four other public places in said town in satisfaction of taxes by the Town Constable or Tax Collector after said taxes shall have become due and payable.

Personal property to be seized and sold.

Taxes, how collected.

Sec. 35. That whenever the taxes due the said town shall be due and unpaid, the Constable or Tax Collector of said town shall immediately proceed to collect them as follows: First, if the party charged, or his agent, have personal property in said town equal in value to said taxes charged against him, the Constable or Tax Collector shall seize and sell the same, under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the Constable or Tax Collector of said town shall levy upon any lands of the delinquent to be found within the said town. The levy shall contain an accurate

Personal property to be first seized.

Real property to be subjected second.

description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the Constable or Tax Collector returned to the Town Clerk and Treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the Constable or Tax Collector shall notify the delinquent of such levy and of the day and place of sale by service of a notice stating these particulars, on him personally, if he be a resident of said town. If the delinquent does not reside in the said town, but if his residence is known, or can by reasonable diligence be ascertained, the notice shall be mailed, postpaid, to such delinquent. If the residence of such delinquent cannot with reasonable diligence be ascertained, the Constable or Tax Collector shall post a notice substantially as above described at the Mayor's office door and four other public places in the said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sale of land for taxes in said town; fourth, the sale shall be made at the door of the Mayor's office in said town, and shall be on one of the days prescribed for the sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the Constable or Tax Collector, he shall mail to him within one month after the sale, notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of the taxes and cost to be paid by such delinquent as a condition of its redemption.

Delinquent to be notified.

Sale, when and where made.

Sec. 36. That the whole lot or tract of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of taxes, with all expenses, for the smallest part of the land. At all such sales the Mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Entire property of delinquent to be sold.

Sec. 37. That the delinquent may retain possession of the property for twelve months after sale, and within that time may redeem it by paying the purchaser the amount bid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser he shall give to the delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the Town Clerk and Treasurer, and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser; after such payment to the purchaser or Town Clerk and Treasurer all rights under the purchase shall cease.

Right to redeem in twelve months.

Purchaser at tax sale to receive receipt.

Sec. 38. That at the time of such purchase of real estate for taxes the Town Constable or Tax Collector, on receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of the said lands and the amount of taxes due.

Failure to redeem in twelve months.

Sec. 39. That if the delinquent, his agent or attorney shall fail to redeem, as provided in section thirty-seven hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section thirty-eight hereof, and the Town

Deed to be executed to purchaser.

Constable or Tax Collector shall execute a deed in fee to the purchaser, and, if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for such service the Constable or Tax Collector shall be allowed one dollar, to be paid by the purchaser. The deed from the Constable or Tax Collector to the purchaser shall be registered in the Register's office of Robeson County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of the sale for taxes.

Mayor to bid in for the use of the town.

Sec. 40. That all real estate bid in by the Mayor of said town for the use of the town, at sales made by the Constable or Tax Collector for taxes, may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the Town Clerk and Treasurer within twelve months from the date of such sale.

Annual tax to be levied, licenses.

Sec. 41. That the Commissioners of said town shall have the power to levy annually and cause to be collected for the necessary expenses of the said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town; that is to

Subjects of taxation.

say, on every merchant, dentist, druggist, artisan, mechanic, daguerrean artist, or other picture; on all officers or agents of incorporated companies; on all clerks or employees or other persons or corporations; on every drummer, editor, shoemaker, printer, butcher, tinner, carpenter, saw or planing mill, wheelwright, carriage, buggy or wagon maker, jeweller, or confection grocer, harness maker, saddler, blacksmith; on every billiard table or bagatelle table, public or private bowling alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, silver or metal watches; on all pianos; on all pistols; on every livery, feed or sale stable; on every person hiring any number of horses; on every cotton gin; on every turpentine or other distillery; on every boarding-house, hotel, restaurant or eating saloon; on all drays, carts, wagons,

carriages, buggies, bicycles; on all horses, cattle, sheep, hogs, goats or dogs owned or kept in said town or allowed to run at large therein; on every stallion, jack, bull or boar kept or exhibited in said town; on all itinerant traders and peddlers; on all banks, railroads, telephone and telegraph companies, of whatever nature or kind; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform anything for which they charge or receive any gratuity, fee or pay or reward whatever within the limits of said town, and on every opera house or public hall to which an admission fee may be charged; and the Commissioners of said town may prescribe when the license tax herein provided for shall be due and payable.

Unlawful to sell liquor within corporate limits.

Sec. 42. That it shall be unlawful for any person or company to manufacture any spirituous or malt liquors, or to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors, wines or cider or any other intoxicating liquors within the corporate limits of the said town of Orrum, or within five miles of the corporate limits thereof, as set out in section three hereof; and any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished upon conviction thereof by a fine not exceeding one hundred dollars, or by imprisonment not exceeding twelve months, or both.

Penalty for violation.

Fire companies.

Sec. 43. That the Board of Commissioners of said town shall have power to provide for the establishment, organization and equipment, government and pay of such number of fire companies as they may deem necessary and proper for the protection of the said town against damage by fire; and in case of a fire occurring within the said town the chief of the fire department or Mayor, or in their absence a majority of the Commissioners of said town who may be present, may order the blowing up or pulling down or destroying any house or building deemed necessary to stop the progress of the fire.

Buildings blown up in case of fire.

Procedure in mayor's court.

Sec. 44. That all proceedings in the Mayor's court shall be the same as are now or hereafter may be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Robeson County; that whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court it shall be competent for the court to sentence such person or persons to imprisonment in the county jail or town guard-house for a term not exceeding thirty days, and to adjudge also that such persons may be worked during the period of their confinement on the public streets or on the public works of the said town under the supervision of the Town Constable, policeman or other public officer.

Same as in justices of the peace.

Vagrants.

Sec. 45. That the Commissioners of the said town shall have authority to pass such ordinances in relation to vagrants as they may

deem necessary to the good government of the town, and any person who may be in the habit of sauntering about the town not engaged in any lawful occupation, or of loafing about the streets without any visible means of support, shall be guilty of a misdemeanor, and on conviction thereof before the Mayor shall pay a fine of not exceeding fifty dollars or be imprisoned not more than thirty days. The Mayor is hereby constituted a special court to hear and determine such offenses, and upon failure of any person convicted of such offense to pay such fine as may be imposed upon him and the cost of his arrest and conviction, he shall have authority to imprison such person in the county jail or other prison, and the Commissioners of Orrum may work such person on the public streets or other public works of the town under the supervision of the Town Constable or other police officer during the term of their sentence, or may hire out such person until the fine and costs are paid.

A misdemeanor.

Penalty.

Work on public streets.

To prevent animals from running at large.

Sec. 46. That the Commissioners of said town shall have power under such ordinances as they may enact to prevent the running at large of all dogs, hogs, horses, cattle and all other brutes within the corporate limits of the said town, and the manner in which the same shall be kept, and they may prohibit the keeping of hogs within the corporate limits of the said town.

Public buildings.

Sec. 47. That the Commissioners of the said town may acquire land and erect and establish any public buildings thereon that may be necessary for the use of the Mayor, Town Council or other necessary town purposes.

Contagious diseases.

Quarantine.

Disinfect and other precautions.

Sec. 48. That the Commissioners of the said town may take such steps as they may deem necessary to prevent the entrance into the town or the spreading therein of any contagious diseases or infectious disease; and may stop, detain and examine for that purpose any and every person coming from places believed to be infected with such disease and whose stay may endanger the health of the town, and to cause such persons to be removed to such place as the Mayor may direct; and may remove from said town or destroy any furniture or other article which shall be suspected of being infected or tainted with infectious or contagious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such state as to generate and propagate disease; and may abate, by any reasonable means, all nuisances of whatever nature or kind which may be injurious to the public health.

Expenses of invalided persons, how borne.

Sec. 49. That in case any person shall be removed from the said town under the provisions of section 48 of this act the corporation may recover before the Mayor or any justice of the peace of such person the expenses of his removal, support, nursing and medical attendance and burial expenses also, in case of death.

Persons attempting to prevent removal of invalided persons.

Sec. 50. That if any person shall attempt by force or by threat of violence to prevent the removal to such place as the Mayor may

direct of any person ordered to be conveyed thither, the person so offending shall forfeit and pay the town the sum of fifty dollars, and moreover be guilty of a misdemeanor.

Officers to be suspended, when.

Sec. 51. That the Mayor may at any time upon charges preferred, or upon finding the Constable, policeman, watchman or other employee of the town guilty of misconduct, have power to suspend such officer from service until the Board of Commissioners shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such officer, and the pay of such officer shall cease from the time of his suspension by the Mayor to the time of his restoration by the Commissioners; any violation of the orders of a superior shall be good cause for suspension, and the Mayor shall suspend any of the above named officers who may be found drunk while on duty.

Ordinances.

Sec. 52. That said Board of Commissioners shall have power to pass ordinances for the good government and order of the town aforesaid, and to that end they may pass an order: *Provided*, that in case any officer of the town has sufficient reason to believe and does believe that there exists any house of ill-fame or gambling house where games of chance are being carried on within the corporate limits of the said town, as set out in section 3 of this act, or within one-fourth of a mile in any direction from the same, that such officer may, with or without warrant enter said premises and arrest any person or persons so engaged as keeper or occupant of said houses, and require such person or persons to appear before the Mayor for violation of the ordinances against such houses of ill-fame or gambling houses, and to be dealt with according to law.

Proviso.

Houses of ill-fame and gambling.

Ordinances.

Sec. 53. That the Board of Commissioners of said town shall have power to pass ordinances for the protection of the persons and property of the citizens of the same, and to that end may pass an ordinance making it unlawful to discharge any gun, pistol or other fire-arm within the corporate limits of the said town or within one-fourth of a mile from the corporate limits of the same, as set out in section 3 of this act, and any person found guilty of violating the provisions of this section may be punished in the same manner as if the offense had been committed within the corporate limits as aforesaid.

Protection of citizens.

Additional jurisdiction one-fourth mile from limits.

Repealing clause.

Sec. 54. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 55. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

CHAPTER 129.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF COLUMBIA, TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Section 33, chapter 147, Laws 1899 amended.

Tax rate.

SECTION 1. That chapter 147, section 33, Laws of 1899, be amended as follows: That in lines three and four the words "thirty-three and one-third" be stricken out and the word "twenty (20)" be inserted therefor; and in line seven (7) the words "one dollar" be stricken out and the words "sixty (60) cents" be inserted therefor.

Repealing clause.

SEC. 2. That all laws in conflict with the above section are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

CHAPTER 130.

AN ACT TO AMEND SECTION 7, CHAPTER 284, PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Section 7, chapter 284, Private Acts 1901 amended in regard to road construction.

SECTION 1. That section 7, chapter 284, Private Laws of 1901, be amended by striking out the word "shall" in line six (6) of said section and inserting in lieu thereof the words "may at their discretion," and further amend by striking out the words "until completed" in line eight (8) and by striking out the following words of [lines] seventeen (17) and eighteen (18): "until the grading of said road or highway shall have been completed;" and that said section be still further amended by striking out the words "at the completion of" in line thirty-five (35) and inserting in lieu thereof the following words: "when said convicts are withdrawn from work on."

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 131.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF WILSON, WILSON TOWNSHIP, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors of any kind in the town of Wilson, in Wilson County, except as hereinafter provided; that any one violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred dollars, or imprisoned for not less than six months, or both. Unlawful to sell liquors in Wilson, N. C. Penalty.

Sec. 2. That Cicero Culpepper, E. A. Darden, George Hackney, C. E. Moore and William Woodard, Jr., be and they are hereby appointed a Dispensary Board of Commissioners for the town of Wilson, whose several terms of office shall begin on the first Monday in December, 1903, and shall expire as follows, to-wit: Cicero Culpepper on the first Monday in December, 1904; E. A. Darden on the first Monday in December, 1905; George Hackney on the first Monday in December, 1906; C. E. Moore on the first Monday in December, 1907, and William Woodard, Jr., on the first Monday in December, 1908; that on the first Monday in December, 1904, and on the first Monday in December in each year thereafter their several successors shall be elected by the Board of Commissioners of the town of Wilson and the Board of Commissioners of the County of Wilson, at a joint session of said boards, which said successors shall hold their respective offices for the term of five years from and after their election as aforesaid; that the said joint meeting of the said boards shall be called together by the chairman of the Board of County Commissioners, who shall preside at said joint meeting. That any vacancy occurring by death, resignation or removal shall be filled by the said dispensary board for the remainder of the unexpired term; that the said dispensary commissioners and their successors, before entering upon the duties of their office, shall make oath that they will well and truly carry out to the best of their ability all the provisions of this act; that the said dispensary commissioners shall be paid out of the gross proceeds of the sales hereinafter provided for, each the sum of fifty dollars per annum as compensation for their services; that said board shall, at their first meeting in December of each year, elect one of their members as chairman of the said board. Dispensary board, personnel. Tenure. Successors, how chosen. Boards, how convened. Vacancies. Dispensary board, oath of, compensation.

Sec. 3. That the said dispensary board, on the first day of January, 1904, or as soon thereafter as practicable, shall establish one dispensary in the town of Wilson, to be located on one of the prin- Dispensary to be established, when.

cipal streets of said town, for the sale of spirituous, vinous and malt liquors, and that there shall be no prosecution under this act until said dispensary shall be established and open for business;

Manager to be elected.

that the said dispensary board shall elect a manager of said dispensary at their first meeting in December, 1903, who shall be a man of good character and sobriety, who shall have charge of the same under the supervision of said board, and who shall hold said position as manager at the pleasure of the said dispensary commissioners, subject to be discharged without notice; that the said dispensary commissioners shall appoint such assistants or clerks as they may deem necessary, and may discharge them or either of them at pleasure, without notice; that said manager shall be required to give bond, payable to the State of North Carolina, in a penal sum not less than five thousand dollars and not more than twice the value of the stock of liquors, money, etc., in his hands at any time; that the condition of said bond shall be the faithful performance of his duties as prescribed in this act or in the rules and regulations which shall be adopted from time to time by the dispensary commissioners, and for the proper accounting by him for all money and liquors which shall come into his hands as said manager; that the said manager shall receive such salary or compensation as may be fixed by the dispensary commissioners, which shall not, however, exceed the sum of one hundred dollars per month nor be less than fifty dollars per month: *Provided, however*, that said salary shall never depend upon the amount of the sales made at said dispensary; that said dispensary commissioners shall likewise require bonds as aforesaid from such assistants or clerks as they may from time to time employ, in such sums as to them shall seem proper.

Assistants.

Manager to give bond.

Salary of manager.

Dispensary board to employ attorneys and detectives, etc.

Sec. 4. That the said dispensary commissioners shall have power to employ attorneys, agents and detectives to assist in the detection and prosecution of such persons, firms or corporations as may violate this act or any of the provisions thereof, or for other purposes connected with the proper and efficient management of the said dispensary; that they may employ chemists or other competent persons to test liquors in their charge or liquors which they may desire to purchase for the said dispensary; that they may borrow money for the purpose of carrying out the provisions of this act and shall have power to do all things necessary and proper to fully carry out the true intent and purpose of this act.

Chemists.

May borrow money.

Manager to make deposit, when and where.

Sec. 5. That the manager of said dispensary shall each day deposit with the First National Bank of Wilson, N. C., and with the Branch Banking Company, one-half in each bank, all moneys which shall come into his hands as such manager, and shall keep a strict account of all liquors received by him, the amount sold and the amount on hand; and the said manager shall hold and disburse all the funds belonging to the said dispensary, and after paying ex-

Funds, how disbursed.

penses and reserving such amount as the dispensary commissioners may deem necessary to carry on the business of the dispensary, he shall, on the first day of July and the first day of January of each year, pay out of the net profits of the said dispensary to the Treasurer of the town of Wilson a sum equal to the amount paid to the said town of Wilson for licenses to retail liquor during the year 1903, and the balance he shall pay to the Treasurer of the County of Wilson, to be used, one-half as the law now directs the application of money realized from the sale of liquor licenses, and one-half to be used for the improvement of the public roads of Wilson County: *Provided*, that when the county shall have received an amount equal to the amount paid as aforesaid to the Treasurer of the town of Wilson, then the balance of the profits shall be paid to the town and county of Wilson, one-half to each.

How applied.

Proviso.

Surplus.

Sec. 6. That the manager of the said dispensary, upon the approval and subject to the control of the said dispensary commissioners, shall purchase all liquors necessary and proper for the said dispensary, and may purchase such pure liquors as may be in the hands of the liquor dealers of the town of Wilson when this act shall go into effect: *Provided*, that said dispensary commissioners shall not pay for liquors purchased which shall not be pure.

Manager to purchase liquors.

Proviso, impure liquors.

Sec. 7. That no liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open or liquor sold therein before sunrise or after sunset; that the prices at which liquor shall be sold shall be fixed by the dispensary commissioners and all sales shall be for cash and at a profit not to exceed eighty per centum on the cost thereof; that no liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart, and it shall be unlawful for said manager or any other person to open any such package or bottle on the premises, and the said manager shall not allow any loafing, loitering or drinking on the premises, and any person who shall drink liquors on the said premises or on the streets or sidewalks of the town of Wilson, or shall fail or refuse to leave said premises after being ordered to do so by the said manager or any of his regularly appointed assistants, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days for each offense.

Dispensary to be closed, when.

Sales, price, cash.

To be sold in not less than one-half pints, not to be opened on premises.

Penalty.

Sec. 8. That it shall be the duty of the said manager to keep a register on which shall be kept a record of the names of all persons to whom any liquors are sold, the quantity sold to each person, the price paid and the date of the sale: *Provided*, that said register shall be open only to the inspection of the said dispensary commissioners and their employees, and the contents thereof shall not be published; that no intoxicating liquor shall be sold to minors,

Register of persons purchasing.

Proviso, register open to inspection.

Minors.

and the said dispensary commissioners shall from time to time make such rules and regulations for the government of the said dispensary as they may deem proper.

Manager or assistants violating this act.

Sec. 9. That if the said manager or any clerk or assistant shall procure any intoxicating liquors from any person, firm or corporation than those that the dispensary commissioners shall direct, and offer the same for sale or shall adulterate or cause to be adulterated any intoxicating, spirituous, vinous or malt liquors by mixing with coloring matter or any drug or any ingredient whatever, or shall mix the same with water or with other liquor of different kind or quality, or shall make a false entry in any book or returns required by this act he shall be guilty of a misdemeanor.

Penalty.

Club-rooms prohibited.

Sec. 10. That every person who shall, directly or indirectly, keep or maintain, by himself or by associating or combining with others, or shall in any manner aid, assist or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for barter or sale or for distribution or division among the members of any club or any association by any means whatever, shall be guilty of a misdemeanor.

Penalty.

Books kept by manager open to inspection.

Sec. 11. That all books required to be kept by the manager of said dispensary except the one provided for in section 8 shall be open to the inspection of the public; that any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars or imprisoned not less than three months, except where the penalty is otherwise provided.

Penalty for violation of this act.

Repealing clause.

Sec. 12. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Election to be held to decide dispensary question, when.

Sec. 13. That an election shall be held in the town of Wilson on the first Monday of April, 1903, at which election the question of the establishment of said dispensary shall be submitted to the qualified voters residing in said town of Wilson; that at said election those favoring the establishment of the said dispensary shall vote a ballot on which shall be written or printed the words "For Dispensary," and those opposing the establishment of said dispensary shall vote a ballot on which shall be written or printed the words "For Bar-rooms"; that if a majority of the ballots cast shall be "For Dispensary," then said dispensary shall be established in accordance with the provisions of this act.

Ballots.

Elections, how held.

Sec. 14. That said election shall be held in accordance with the provisions of chapter 514 of the Acts of the General Assembly of 1899.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 132.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Section 1. That all the territory in Caldwell County within the following boundaries, to-wit: The present boundaries of the town of Lenoir and one-half mile additional in every direction and parallel thereto shall be and is hereby constituted a public school district for white and colored children, to be known as "The Lenoir Graded School District." Lenoir graded school district established. Boundary.

Sec. 2. That for all the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Lenoir shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits; and that in all elections which shall be held under this act that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town. School trustees to issue bonds.

Sec. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half yearly, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided,* that said board of trustees shall issue such bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section four of this act. Amount, denomination, interest. Style of bonds. Time to run, Proviso. How to be issued.

Sec. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing, by purchase or otherwise, such graded school buildings as may be required and in furnishing the same with school furniture and other necessary equipment. Proceeds, how expended.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par To be sold at par.

value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section four of this act.

Bonds non-taxable, when.

Sec. 6. That said bonds and their coupons shall not be subject to taxation by the town of Lenoir until after they shall have become due and tender of payment shall have been made; and

Coupons receivable for taxes.

such coupons shall be receivable in payment of all taxes and public dues of said town for any fiscal year in which said coupons shall become due or thereafter; and if any holder of said bonds or coupons shall fail to present same for payment at the time or times and at the place or places therein named he shall not be

No interest after maturity.

entitled to interest thereon for the time they shall have been outstanding after maturity.

Commissioners of Lenoir to levy tax, purpose of.

Sec. 7. That for the purpose of providing for the payment of said bonds and interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Lenoir shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, nineteen hundred and

Subjects of taxation.

three, levy and lay a particular tax on all subjects of taxation within the limits of said graded school district on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purposes whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trus-

Property and poll, amount.

tees; in no case, however, to exceed sixty-six and two-thirds cents on the one hundred dollars assessed valuation on real and personal property and not more than two dollars on each taxable poll.

Tax, how collected.

Sec. 8. That said taxes shall be collected by the Tax Collector of the town of Lenoir at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same

How disbursed and accounts audited.

over to the treasurer of said board of trustees. And the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools only upon the warrant of the chairman and secretary of said Board of Graded School Trustees, and all accounts shall be audited and approved by the board of trustees or a committee thereof appointed for the

Proviso.

purpose: *Provided*, that said Tax Collector and said treasurer

Official bonds.

shall enter into bond for such amount as the board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the safe-keeping and proper disbursement of

Tax collector's commission.

the same, and said Tax Collector shall be allowed not exceeding three per centum on receipts, and the said Treasurer not exceed-

Treasurer's commission.

ing two per centum on disbursements.

Sec. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by the Board of Commissioners of the town of Lenoir within sixty days after the ratification of this act. That said election shall be held as provided for in sections two, three, four, five and twenty-three of chapter twenty-three, Private Laws eighteen hundred and eighty-five, the same being the method provided for holding elections in the town of Lenoir. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more newspapers published in the town of Lenoir; and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three and the levy and collection of the particular taxes provided for in section seven of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid Board of Graded School Trustees authority to issue such bonds and to the Board of Commissioners of said town authority to levy such particular tax, and said board of trustees and said Board of Commissioners shall have such authority; but if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said Board of Commissioners shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law shall be enrolled among the public records of the town of Lenoir; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein rectified [certified].

Election to be called, purpose of.

How held.

Notice of election.

Ballots.

If majority favor schools.

Majority oppose schools.

Proviso.

Result of election not to be impeached, when.

Sec. 10. That J. B. Atkinson, J. R. Wilson, J. A. Crisp, Lawrence Wakefield, S. W. Shell, J. V. McCall and A. N. Todd shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first two of said trustees shall hold office until the first Monday in July nineteen hundred and five, the next three until the first Monday in July, nineteen hundred and seven, and the last two until the first Monday in July, nineteen hundred and nine, and their successors, elected as hereinafter provided, shall hold for the term of six years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority

Personnel of board of trustees.

Tenure.

Vacancies, how filled.

vote of the other members of such Board of Graded School Trustees holding over, acting in conjunction with the Board of Commissioners of the town of Lenoir. And for the purpose of filling such vacancies said members of the board of trustees and said Board of Commissioners shall meet in joint session on the Monday immediately preceding the first Monday in July of each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said board of trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by other members of said board of trustees: *Provided*, that the position of trustees shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of this State. And said board of trustees, immediately after the provisions of this act shall have been submitted to the qualified voters of said district, as provided for in section nine, and adopted, the said board of trustees shall meet and proceed to organize by the election of a chairman and a secretary and treasurer: *Provided*, that not more than four of the said board of trustees shall belong to the same political party.

Proviso, vacancies.

Proviso, trustee not an office.

First meeting of trustees.

Proviso, not more than four to belong to same political party.

Board incorporated, name.

Sec. 11. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Lenoir," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Powers and privileges.

White and negro schools to be established.

Sec. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district; and said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as may be deemed just to both races, providing equal facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Funds, how appropriated.

Proviso, donations.

Board to have exclusive control.

Sec. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the County Board of School Directors and the County Superintendent of Schools of Caldwell County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general

Officers and teachers.

school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools. School census.

Sec. 14. That all the public school funds derived from the State and from the county of Caldwell, for the use and benefit of the public schools in said graded school district, shall be paid over to the treasurer of the board of trustees hereinbefore provided for by the Treasurer of said county, for the use and benefit of the graded public schools in said graded school district, and the property, both real and personal, of the various school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor; and said board of trustees may, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the public graded schools to be established in said graded school district. Public school funds, disposition. School property vested in board. Power to convey.

Sec. 15. That all persons owning and residing on lands lying on both sides of said school district may, for the purposes of this act, list and pay taxes on the whole of such land, poll and personal property; notwithstanding that part of land resided upon lies outside but contiguous to said boundary. And all such persons listing and paying taxes on land and personal property shall be entitled to the benefits of said schools without further cost. Persons owning land on corporate limits.

Sec. 16. That said Board of Graded School Trustees shall elect annually, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise the graded public schools of said school district and exercise such other powers and discharge such other duties as said board of trustees may prescribe. Superintendent of schools.

Sec. 17. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said graded school district, upon such terms as the said board of trustees may deem just and reasonable. Curriculum of studies. Tuition fees.

Sec. 18. That it shall be the duty of said Board of Graded School Trustees to make to the Mayor and Board of Commissioners of the town of Lenoir annually, after the close of each school year, a full report of the operation of the graded public schools of said graded school district; and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Caldwell County. Trustees to make annual report.

Sec. 19. That the several boards of school trustees having authority under the general school law of the State shall, in the Apportionment of fund per capita.

apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Sec. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 133.

AN ACT TO AMEND THE CHARTER OF NORTH WILKESBORO, WILKES COUNTY.

The General Assembly of North Carolina do enact:

Chapter 198, Private Laws 1891 amended, section 2.

Section 1. That chapter 198, Private Laws of 1891, be amended as follows, to-wit: Strike out all of that part of section two after the word "sixty-five" in line seven and insert the following in lieu thereof: One mile to a stake, thence south 62 degrees and 32 minutes west, crossing the Trap Hill Road to "Hopper's" Branch; thence down said branch to its mouth at Reddies' River; thence down the centre of the said river to a point in the centre of the Yadkin River; thence down the centre of the Yadkin River to the point of beginning.

Corporate limits changed.

Section 7 amended.

Sec. 2. That all that part of section 7 after the word "County" in line 28 be stricken out.

Section 8 amended.

Sec. 3. That the following be added to section 8: "That whenever the Board of Commissioners shall grade any streets and sidewalks in accordance with the established grade of the town, then the property owners along said street shall at their own expense keep said sidewalks in as good comparative condition as said street, and whenever the Board of Commissioners shall grade any street and sidewalks and put down stone curbing along said sidewalks and macadamize or pave said street with stone, then the property owners along said street shall be taxed with paving said sidewalks with brick and keeping same in good repair, and the said cost shall be a lien on such property, to be collected as other tax.

Property owners to keep side-walk in repair, when.

Paving side-walk.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

CHAPTER 134.

AN ACT TO AMEND CHAPTER 339, PRIVATE LAWS OF 1899, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SHALLOTTE, IN THE COUNTY OF BRUNSWICK."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 339, Private Laws of 1899, entitled "An act to incorporate the town of Shallotte, in the county of Brunswick," be and the same is hereby amended by striking out all of section two of said chapter and substituting the following therefor: Chapter 339 Private Laws 1899 amended. Section 2 stricken out.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at A. W. Clemmons' upper corner, thence with his line to a point opposite the lane dividing H. S. White and W. H. Phillips; thence with said lane to the Wilmington and Georgetown Road; thence with said road to F. H. White's corner; thence north twenty degrees west with the White line to J. A. McNeill's line; thence with said line to the R. D. Hewette line; thence with said Hewette line to R. N. Swain's corner; thence about west to the run of Mulberry Swamp to Shallotte River; thence with said river to the beginning. New section. Corporate limits.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

CHAPTER 135.

AN ACT FOR THE RELIEF OF THE WORTH MANUFACTURING COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Randolph County is hereby authorized and directed to pay to the Worth Manufacturing Company of Randolph County the sum of thirty-four and 91-100 dollars out of the school funds now in his hands or that may hereafter come into his hands to the credit of Public School District No. 2, white race, Randleman Township, Randolph County, N. C. Said sum is due said Worth Manufacturing Company for nails, lumber, doors, window-glass, stove-pipes, clearing away school ground woods and various other articles furnished said school district from February 12th, 1900, to February 28th, 1901: *Provided*, the school committee in District No. 2, white race, sign an order, Treasurer Randolph county to pay school claim. Proviso.

Order for payment.

approved by the County Superintendent of Public Instruction of Randolph County, on the Treasurer of Randolph County to pay the said amount.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

Chapter 136.

AN ACT TO AMEND CHAPTER 352, PRIVATE LAWS OF 1901, AND CHAPTER 140, PRIVATE LAWS OF 1893.

The General Assembly of North Carolina do enact:

Section 14, chapter 352, Private Laws 1901 repealed.

Section 1. That section fourteen (14) of chapter 352, Private Laws of 1901, be and the same is hereby repealed.

Section 5, chapter 140, Private Laws 1893 amended.

Sec. 2. That section five (5) of chapter 140, Private Laws of 1893, be amended by striking out all of said section after the word "following" in line two (2) and inserting in lieu thereof the words:

Proviso inserted.

"*Provided*, that all taxes collected by the town authorities on property and subjects of taxation in that part of the town of Murphy,

Tax derived from East Murphy, how applied,

situated, lying and being on the north side of Valley River, and known as East Murphy," owned by *bona fide* residents of said territory, be expended by the town authorities on the streets, roads and sidewalks of East Murphy, and that all road hands residing therein be worked on the roads and streets thereof, and that the

Town council to publish statement, what to contain.

Town Council shall annually, in the month of April, publish a statement of the amount of taxes collected in East Murphy from the *bona fide* residents thereof in some newspaper published in said town, or by posting at the court-house door; that if said Town

Failure to supply tax as directed.

Council fail to apply said taxes and road labor on the said streets and roads of East Murphy, or to publish said statement, they shall

Penalty.

be guilty of a misdemeanor, and on conviction fined or imprisoned in the discretion of the court.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

Chapter 137.

AN ACT TO AMEND CHAPTER 160 OF THE PRIVATE LAWS OF 1891 IN REGARD TO THE CHARTER OF THE TOWN OF HOBGOOD, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter 160 of the Private Laws of 1891 be amended by striking out the word "five" in line two of section 3 of said chapter and by inserting the word "three" in lieu thereof, and by striking out all of said section after the word "Constable" in line two thereof and by inserting the following: "and the following named persons shall fill said offices until the first Monday of May, nineteen hundred and three (1903), and until their successors are elected and qualified as directed by law: R. J. Shields, Mayor; K. Leggett, W. R. Cherry and T. H. Edmonson, Commissioners; and the said Commissioners shall elect a Constable to serve until the next election and until his successor is elected and qualified."

Chapter 160 Private Laws 1891 amended.

Number commissioners changed.

Commissioners appointed, personnel.

Constable to be elected.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

Chapter 138.

AN ACT TO INCORPORATE THE PRESBYTERIAN HOSPITAL OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That J. P. Monroe, John R. Irwin, William Anderson, A. J. Crowell, C. B. Stephenson, R. L. Gibbon and E. T. Cansler, and their successors in office, are hereby created a body politic and corporate by the name and style of The Presbyterian Hospital of Charlotte, North Carolina, and by that name shall have perpetual succession and a common seal, may sue and be sued, and may purchase, take, receive and hold any real and personal property whatever by deed, will or otherwise, and may sell, transfer, lease, mortgage and convey such property within the conditions and limitations of their trust.

Incorporators.

Corporate name.

Powers and privileges.

Sec. 2. The sole government of the hospital shall be in the hands of the board of trustees appointed as follows: Two by the session of the First Presbyterian Church, two by the session of the Second Presbyterian Church, one by the session of the Westminster Pres-

Board of trustees, how and from where chosen.

byterian Church and one by the session of the Tenth Avenue Presbyterian Church at Charlotte, North Carolina, and the seventh shall be the president of the North Carolina Medical College, *ex officio: Provided*, that any Presbyterian Church hereafter founded in Charlotte, North Carolina, may elect one trustee to be added to those above named. The term of office of the trustees so elected by the sessions of said churches shall be for two years, and all vacancies shall be filled by the sessions appointing them, and half of those appointed shall be physicians. Until a number of said trustees shall be increased in the manner herein authorized four members of said board shall constitute a quorum for the transaction of business; and in case the number of trustees shall be increased then the board shall, by its by-laws, fix the number constituting such quorum.

Vacancies, how filled.

One-half appointed to be physicians.

Four members of board a quorum.

Object of hospital.

Sec. 3. The object of the hospital shall be the treatment of diseases, the training of nurses, clinical instruction of the students of the North Carolina Medical College and the doing of such other things that are usually done in first-class institutions of this kind.

Medical college.

Charity feature of hospital.

Sec. 4. The charity feature of the hospital shall have such prominence as the revenues of the institution may justify, and all the revenues shall be used for charity or betterment, or as specifically directed by donors.

Officers and employees.

Sec. 5. The board of trustees shall elect a president, secretary and treasurer annually from their number, and shall employ such nurses, medical practitioners and other agencies as may be necessary to carry out the purposes and objects of the institution.

Powers of trustees.

Sec. 6. The board of trustees shall have full power to raise and disburse moneys, to receive and hold property by purchase, gift or otherwise, in trust for the furtherance of the objects herein set forth. The title to all property purchased, donated, devised or bequeathed to the institution shall be vested in "The Presbyterian Hospital of Charlotte, North Carolina," whether so designated in the deed or other instrument transferring said title or not; and all real estate conveyed, mortgaged or transferred by said institution shall be duly authorized by a majority of the board of trustees and executed in the name of the Presbyterian Hospital of Charlotte, North Carolina, by its president, who shall affix its corporate seal thereto, which shall be duly attested by its secretary.

Title of property, how vested.

Conveyances, how executed.

By-laws of board.

Sec. 7. The board shall adopt their own by-laws and rules of procedure, subject only to the limitations contained in this charter, which by-laws may from time to time be amended by vote of at least two-thirds in number of said trustees.

To avoid debt.

Sec. 8. In founding and developing and administering their trust the board shall make every reasonable effort to avoid debt.

Principal place of business. Branch offices.

Sec. 9. The board of trustees shall do business primarily in the city of Charlotte, and may extend their work to such other points in the State of North Carolina as they may deem wise.

Right to furnish medicine without license.

Sec. 10. The hospital shall have the right without special license to furnish medicine and fill prescriptions free, or at nominal prices, to all charity patients and at moderate rates to all other patients of the hospital, but in no sense run a drug store for the general public without the payment of the ususal license fees therefor.

Amount of property to be held.

Sec. 11. All real or personal property held for or in the name of the hospital shall not exceed one hundred thousand dollars, and shall be free from taxation on the same basis as other educational and charitable institutions.

Power to confer nurses' degrees.

Sec. 12. The board of trustees shall have power to confer nurses' degrees and grant diplomas to graduate nurses, which nurses shall have all the powers and privileges conferred by law upon graduate nurses.

Sec. 13. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

Chapter 139.

AN ACT TO INCORPORATE THE TOWN OF CHOCOWINITY, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Chocowinity, Beaufort county, incorporated. Name. Powers of chapter 62 of Code.

Section 1. That the town of Chocowinity, in Beaufort County, be and the same is hereby incorporated by the name and style of the Town of Chocowinity, subject to all the provisions of law now existing in regard to incorporate laws as contained in chapter sixty-two, Volume II, The Code of eighteen hundred and eighty-three, and all laws amendatory thereto.

Corporate limits. Description.

Sec. 2. That the corporate limits of said town shall extend as follows: Beginning at the north-east corner of the home tract of land of J. L. Butt, thence west with the lane which divides the lands of the said J. L. Butt and W. H. Patrick and others to the crossing of said lane with the lane leading from Matthew Moore's residence to the Greenville Road; thence a south-westerly direction following the lane last mentioned to the Greenville Road; thence westerly following the Greenville Road to the corner between the tracts known as the Perry Place and the land of Joseph Jones; thence following the boundaries of said Perry Place southerly and easterly and northerly to the junction of said boundaries with the

line of R. L. Winfield; thence southerly to R. L. Winfield corner; thence easterly to the line of said R. L. Winfield's land to the New Bern Road; thence northerly with the New Bern Road to the corner between the lands of Howard Winfield and A. C. Hughes; thence easterly with the line of N. C. Hughes' land and continuing easterly with the southern boundary of the Trinity Parish Parsonage tract to the corner of said parish tract; thence northerly with the eastern boundary of said tract and crossing the Blount's Creek Road to the corner of that tract of land belonging to N. C. Hughes known as the Archbell tract; thence continuing northerly and westerly with the boundaries of said tract to the Washington Road and across said road to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Constable. The following named persons shall fill said offices until their successors are elected and qualified,

Temporary officers, personnel.

viz.: Mayor, J. L. Butt; Commissioners, R. L. Winfield, J. W. Hayes, N. C. Hughes. The Constable shall be elected by the present Board of Commissioners, and his successor may be either elected by the people at the election for the other officers or appointed by the Commissioners.

Officers, election of.

Sec. 4. That the election for officers shall be held on the first Tuesday in May, 1903, and every two years thereafter.

No liquors to be sold in limits.

Sec. 5. That no intoxicating liquors of any kind shall be sold within corporated limits of said town.

Failure to pay fines.

Sec. 6. That the Mayor shall have power to cause all persons failing to pay their fines to work out the same on the streets at such price as the Commissioners shall fix.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

Chapter 140.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Corporate limits of Lenoir extended.

Section 1. That the corporate limits of the town of Lenoir, in Caldwell County, be extended as follows: Beginning at the southwest corner of the present corporate limits and runs south to a

Description.

stake in the line of the land of the Lenoir Cotton Mill Company, in an old road, thence south 49 degrees east crossing the ridge to

a stake in the line of the land of J. P. Rabb; thence north 55 degrees east to the line of the land of T. B. Lenoir; thence a straight line to the point where T. B. Lenoir's line crosses the present town limits.

Sec. 2. That the territory thus taken into the corporate limits of the said town of Lenoir shall be and constitute a part of the corporate limits of said town for all purposes. And the people residing in said territory shall, from and after this act goes into effect, have all the privileges of the residents of said town. New district a part of town in all respects.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed. Repealing clause.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 23d day of February, A. D. 1903.

Chapter 141.

AN ACT TO PROVIDE A DISPENSARY FOR THE TOWN OF CRESWELL AND TOWNSHIP OF SCUPPERNONG, IN THE COUNTY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors, or any other liquors used as a beverage, which produces or may produce intoxication, within the limits of the town of Creswell or township of Scuppernong, in the county of Washington, except as provided in this act: *Provided*, it shall not be unlawful for manufacturers of brandy or wines from fruits or grapes within the said limits to sell their own products, only at the place of manufacture, in quantities of not less than one quart, the same not to be drunk on the premises where sold. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Unlawful to sell or produce liquors in certain portions of Washington county. Proviso, in regard to distillation from fruit. Penalty.

Sec. 2. The Mayor of the town of Creswell, the chairman of the Board of County Commissioners of Washington County and the Sheriff of Washington County are hereby constituted a permanent board, to be known as the County Board of Control, whose duty it shall be to appoint the dispensary commissioners, in the manner hereinafter set forth. County board of control created. Personnel.

Sec. 3. Dr. W. H. Hardison, William R. Chesson, M. M. Alexander, W. J. Mercer and Eli J. Spruill are hereby constituted the Board of Dispensary Commissioners, for the said town of Creswell and Dispensary commissioners, personnel. Creswell, N. C.

Tenure.

township of Scuppernong. They shall serve for terms of five years, four years, three years, two years and one year, respectively, and until their successors are appointed, their terms beginning with the ratification of this act. The first named shall be chairman of said board, and upon his ceasing to act as chairman the chairman shall thereafter be elected by said board of commissioners from among their own members. The County Board of Control shall appoint the successors of the said commissioners as their several terms expire, each for a term of five years and until his successor is appointed. All of said commissioners shall be citizens of the county of Washington, and at all times at least three of them shall be residents of the town of Creswell or township of Scuppernong, and no one shall be appointed as one of said commissioners if he be known to be an excessive user of intoxicating liquors. The County Board of Control shall fill all vacancies on the board of dispensary commissioners, and may at any time remove any member of said board for cause.

Chairman of commissioners.

Successors, how chosen.

Qualifications of commissioners.

Vacancies.

Dispensary established, where.

Sec. 4. Said dispensary commissioners shall establish and maintain, at some convenient place in the town of Creswell or township of Scuppernong a dispensary for the sale of spirituous, vinous and malt liquors. They shall procure a suitable building, which building shall have but one entrance to it, and that shall be from the street or thoroughfare on which the building is located. They shall purchase and keep on hand such a stock of spirituous, vinous and malt liquors as shall supply the demand. None of the said liquors shall be put into said dispensary until they have been put up in sealed packages of not less than one-half pint or more than four gallons; no spirituous, vinous or malt liquors shall be sold at said dispensary except such as are in sealed packages, and none of said packages shall be opened or drunk in said dispensary, or on the premises by any one. No liquors shall be kept for sale at said dispensary except such as are pure, and the said commissioners may from time to time have the same properly tested and analyzed in order to insure their purity. Should any of said liquors be found impure or adulterated they shall not be sold, and payment for them shall be refused to the party from whom they were purchased. Said dispensary shall sell liquor only for cash, and none shall be sold to minors, intoxicated persons or persons known to be habitual drunkards. No intoxicating liquor of any kind shall be drunk in said dispensary or on the premises. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Purchase of stock.

How sold.

Impure liquors.

To sell for cash, minors.

Liquor not to be drunk on premises.

Violations a misdemeanor.

Managers of dispensary, how chosen.

Sec. 5. Said dispensary commissioners shall elect from the citizens of said county a competent person to be known as manager of said dispensary, who shall have the management and control of

same, under the supervision of the said commissioners; they may employ him for such time as they may deem best, but may remove him at any time, for any cause, which in their judgment is sufficient; they may pay him a salary not exceeding forty ($40) dollars per month, and at no time shall the amount of his salary depend upon the amount of his sales at said dispensary. Before entering upon the discharge of his duties he shall take and subscribe an oath to the effect that he will obey all rules and regulations made by the dispensary commissioners for the government of the dispensary and all the provisions of this act, and will in all other respects faithfully discharge the duties of his office, and that he will fully account for all moneys received and will pay over to said commissioners, or their chairman, all sums justly going to them; said oath shall also contain a statement of the manager's full name, his residence and business for two years prior thereto, and shall state that he has never been adjudged guilty of violating the law relative to intoxicating liquors; that he is not the keeper of a restaurant or any other place of public entertainment, is in no way interested in the manufacture or sale of spirituous, vinous or malt liquors, and is not addicted to the use of same or any of them as a beverage. Before entering upon the discharge of his said duties said manager shall likewise enter into a bond, with sufficient sureties, payable to the County Treasurer, in a sum not less than five hundred dollars, conditioned upon the faithful discharge of the duties of his said office and the faithful accounting for and turning over of all moneys coming into his hands by virtue of said office. Said commissioners may also employ an assistant manager at a salary not exceeding twenty-five dollars per month, who shall be subject to all the rules, regulations, requirements and penalties prescribed for the manager. The manager shall keep an accurate account of all liquors sold, to whom sold and the date of sale; shall render an inventory of the stock on hand whenever demanded by the commissioners or their chairman, and after paying such bills and accounts as shall have been approved by the said chairman of the dispensary commissioners shall pay over the remaining money on hand weekly.

Salary of.

Oath of.

Official bond of.

Assistant manager.

Duty of manager.

To make report.

Sec. 6. The said dispensary commissioners may borrow a sufficient sum, not exceeding five hundred dollars, to establish and stock said dispensary. The chairman of said commissioners shall be treasurer of the board, and shall audit all accounts against the dispensary, and no account shall be paid unless first approved by him. He shall, before entering upon the duties of his said office as treasurer, give bond with sufficient sureties, in a sum not less than one thousand dollars, payable to the County Treasurer, conditioned upon his faithful discharge of his duties as such treasurer and his faithful accounting for and application of the moneys

Commissioners may borrow money.

How disbursed.

Treasurer to give bond.

coming into his hands by virtue of said office. Every three months said chairman, acting as treasurer aforesaid, shall, with the approval of the said commissioners, after reserving not exceeding five hundred dollars as a capital with which to do business, pay out and distribute the net profits of said dispensary as follows: Ten per centum of said net profits he shall pay to the Treasurer of the town of Creswell for the use of said town; twenty per centum of said net profits he shall pay to the County Treasurer of Washington County for the use and benefit of the two public school districts embracing the town of Creswell, to be apportioned and divided as other public school funds are, and to be in addition to the regular apportionment of school funds allowed said districts; and the remainder of said net profits he shall pay to the County Treasurer of Washington County for the use and benefit of the public school districts of Scuppernong Township, in said county, to be apportioned and divided among said districts as other public school funds are, and is to be in addition to and is not to be considered in the regular apportionment of public or other school funds for said districts.

Capital of dispensary.

Profits, how applied.

Commissioners, when to meet.

Compensation of.

Sec. 7. Said commissioners shall meet at least once every three months, and oftener, if necessary. Each commissioner except the chairman shall receive twenty-five dollars per annum in full compensation for his services as such, and the chairman shall receive one hundred dollars per annum in full compensation for his services as commissioner and as treasurer and auditor of said board of commissioners.

Official oath required.

Bonds of.

Forfeiture of bonds.

Sec. 8. Each officer provided for in this act shall, before entering upon the discharge of his duties, take and subscribe an oath to the effect that he will faithfully discharge the duties of his said office, which said oath, together with the bonds provided for in this act, which shall be approved as the bonds of county officials are, shall be filed with the Treasurer of Washington County. Any money arising from the forfeiture of any of said bonds shall be applied as other funds arising from said dispensary.

Price of liquors sold, how determined.

Sec. 9. The price at which the liquors kept in said dispensary shall be sold shall be fixed by the commissioners, and shall not exceed eighty per centum above actual cost and shall be not less than forty per centum above actual cost.

Dispensary, when to be closed.

No drinking or loitering on public streets.

Penalty.

Sec. 10. Said dispensary shall not be opened before sunrise or after sunset, and shall be closed on Sundays, election days and such other days as the commissioners may direct, and when so closed no liquor of any kind shall be sold or taken therefrom. There shall be no loitering in or about said dispensary, and no intoxicating liquors shall be drunk on any of the public streets of said town of Creswell. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 11. Said dispensary commissioners shall have power to make all necessary rules and regulations for the proper and orderly government of said dispensary: *Provided*, they are not in conflict with this act or the general law. Rules and regulations.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed, in so far as they apply to the said town of Creswell and township of Scuppernong. Repealing clause, where effective.

SEC. 13. Section 3111 of The Code shall not apply to this act.

SEC. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 24th day of February, A. D. 1903.

CHAPTER 142.

AN ACT FOR THE RELIEF OF W. L. KIRBY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. L. Kirby, an aged and infirm Confederate soldier of Chatham County, is hereby authorized to peddle goods, wares, drugs and notions in the State of North Carolina without obtaining and paying for the license required of peddlers by law in such cases. W. L. Kirby authorized to peddle without license.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

CHAPTER 143.

AN ACT AUTHORIZING THE TOWN OF WHITEVILLE TO ISSUE BONDS, IF A MAJORITY OF THE REGISTERED VOTERS VOTE FOR BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the town of Whiteville are hereby authorized and empowered to cause an election to be held at the court-house in said town, at such time as said Commissioners may appoint, within twelve months from the ratification of this act, and submit to the qualified voters of said town the question of issuing bonds to the amount of five thousand dollars, for the purposes and under the provisions hereinafter named and levying and collecting annually a special tax to provide for the pay- Commissioners of Whiteville to call an election, when. Question to be submitted, bonds, special tax.

ment of the interest thereon, and to provide a sinking fund for the payment of the principal of said bonds. Said election shall be advertised by the said Commissioners for thirty days immediately preceding the day of election, in some newspaper published in said town, if any there be, and if not, then at said court-house door and five other public places in said town, and held by inspectors and judges under the same rules and regulations provided for the election of Mayor and Commissioners of said town in its charter. Those who are in favor of issuing said bonds and levying and collecting said taxes shall vote a written or printed ticket with the words "For Bonds" thereon, and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon: *Provided*, that no device on any such ticket, or inequality of size, or tickets being of a different color shall invalidate the same. The result of the election shall be ascertained by the judges of election and returned by them to the Commissioners of said town within two days from the day of election, who shall verify and also certify such result and cause the same to be recorded in their minutes.

Notice of election.

How and by whom held,

Ballots.

Result, how ascertained and certified.

Purpose of issue.

Sec. 2. Said bonds shall be used for the purpose of laying out and improving the streets of the said town of Whiteville.

If a majority vote for bonds.

Sec. 3. If a majority of the qualified voters of said town shall vote "For Bonds," then said Commissioners shall issue coupon bonds, not to exceed in amount the sum of five thousand dollars, and in denominations of not less than one hundred dollars and not more than five hundred dollars, bearing interest from the date of their issue a rate not exceeding six per cent. per annum, payable annually on the first day of January of each year until said bonds are paid. The said bonds shall be made payable at the expiration of fifteen years from the date thereof, and shall bear upon their face the specific purpose for which they are issued. Said bonds and coupons shall be numbered, and shall be signed by the Mayor of said town and countersigned by the Clerk of said Board of Commissioners and sealed with the corporate seal of said town. A record shall be kept of all such bonds, showing the number, amount and to whom sold. The coupons shall be received in payment of all taxes and debts due said town. Said bonds shall be sold for not less than par value.

Style of bonds.

Due in fifteen years.

How executed.

Record, coupons receivable for taxes.

Special tax to be levied.

Sec. 4. In order to pay the interest on said bonds the Commissioners of said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of said town of Whiteville and act amendatory thereto, which shall be returned or listed for general taxation in said town, always observing the constitutional equation

Property and poll, amount.

between the tax on property and the tax on polls, not exceeding twenty cents on the one hundred dollars valuation of property and sixty cents on each poll, with which to regularly and promptly pay the interest on said bonds, which said taxes shall be collected in the same manner and at the same time the other taxes are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town.

Tax to be kept separate.

Sec. 5. That the taxes levied and collected for the purposes specified in section four of this act shall be kept separate from all other taxes, and shall be used only for the purpose for which they are levied and collected: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, said excess shall be applied to the credit of the interest fund for the next succeeding year, and said Commissioners, at the time of levying taxes for the payment of said interest for the next succeeding year, shall take into consideration said excess and shall compute and levy said tax accordingly.

Proviso.

Surplus any one year, how applied.

Sinking fund.

Sec. 6. For the purpose of creating a sinking fund with which to pay the principal of said bonds under this act said Commissioners, at and after the expiration of ten years from the date of said bonds, shall annually levy and collect a special tax in addition to that mentioned in section four of this act, and the tax provided for in this section shall equal in amount one-fifth of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section 7 of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said Commissioners shall cease to levy taxes for said sinking fund.

Special tax, how collected.

Commissioners to invest special tax.

Sec. 7. It shall be the duty of said Commissioners to annually invest any and all moneys arising from the special tax collected under section 6 of this act in the purchase of any of said bonds, at a price deemed advantageous to said town by said Commissioners, but in case said bonds cannot be purchased as herein provided, then said Commissioners may lend said sinking fund, or any part thereof, in such sums as they may deem proper for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof and for the payment of the interest thereon mortgages or deeds of trust, in the name of the Mayor of said town on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidence of debt given for any loan under this section shall be executed to and in the name of the Mayor of the town of Whiteville, and shall bear interest, payable annually at the rate of six per cent. per annum; and in case said Commission-

How invested.

Notes, how executed.

ers shall not be able to lend any or all of said money annually, as directed above, they shall cause such part as they are unable to lend to be deposited with some bank of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investment as above directed shall be re-invested in the manner as above provided.

Powers of commissioners, when effective.

Sec. 8. Said Commissioners are hereby invested with full power to put this act in effect when the same shall have been adopted by a vote of a majority of the qualified voters of said town as hereinbefore mentioned.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

Chapter 144.

AN ACT TO AUTHORIZE THE TOWN OF EDENTON TO ISSUE BONDS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Edenton to issue bonds.

To be submitted to voters.

Section 1. That the question of issuing bonds of the town of Edenton in an amount not exceeding thirty thousand dollars, to be expended as hereinafter provided, is hereby authorized to be submitted to the qualified voters of said town of Edenton.

Election, when and how held.

Ballots.

Sec. 2. That an election for this purpose shall be held on the first Monday in May, nineteen hundred and three (1903), under the same rules and regulations as are now prescribed for holding municipal elections of said town of Edenton. Those in favor of issuing the bonds shall vote a ticket having thereon the word "Bonds," and those opposed shall vote a ticket having thereon the words "Against Bonds."

Result, how declared.

If majority favor bonds.

Bonds, how executed.

Sec. 3. That the result of such election shall be declared at the same time and in the same manner as is now prescribed for declaring the result of the municipal elections of said town of Edenton. If it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds, then the Board of Counceilmen of said town of Edenton shall cause the same to be prepared and issued, said bonds to be signed by the Mayor of said town and countersigned by the Clerk, the interest on said bonds to be at a rate not to exceed five per centum per annum, payable annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

Special tax to be levied.

Sec. 4. That in order to meet the payment of said bonds and the accruing interest thereon, the said Board of Councilmen are

hereby authorized and empowered to levy and collect a special tax, not exceeding twenty-five cents on the one hundred dollars of assessed valuation of all the property, real and personal, and choses in action and solvent credits within the corporate limits of said town, and not exceeding seventy-five cents on the poll. Amount, poll and property.

Sec. 5. That said bonds when issued shall be placed in the hands of a board of commissioners, who shall be designated as The Board of Public Works. Said bonds shall be negotiated to the best advantage by said Board of Public Works and Council jointly, and the proceeds thereof shall be paid over to a treasurer, elected by Town Council and the Board of Public Works, whose term of office and pay may be fixed by said boards conjointly, and used under the direction of the Board of Councilmen and the said Board of Public Works conjointly for the following purposes, to-wit: For establishing a system of water-works and electric lights in said town and for such other improvements in said town as the said Board of Councilmen and said Board of Public Works conjointly may deem necessary and proper: *Provided*, said bonds shall not be sold for less than their par value. Board of public works created. Proceeds of sale paid to treasurer. Proceeds, how expended. Proviso, to be sold at par value.

Sec. 6. That the said Board of Public Works and Councilmen shall require the treasurer elected by said board and Councilmen to execute such bond as to them may seem just and proper. Official bond of treasurer.

Sec. 7. That said bonds shall be of the denomination of one hundred ($100) dollars, five hundred ($500) dollars and one thousand ($1,000 dollars, ten thousand ($10,000) dollars of each denomination, and shall bear interest from the date of their issue. Said bonds shall run for thirty (30) years. Denomination of bonds. Interest, time to run.

Sec. 8. That Frank Wood, M. G. Brown, W. O. Elliott and F. A. White be and they are hereby appointed commissioners, and they and their successors shall be known as the Board of Public Works, whose duties shall be to negotiate the bonds herein authorized to be issued, and to advise with the Board of Councilmen of said town of Edenton in making the improvements in said town for which said bonds are issued. And in these matters they shall meet with the said Board of Councilmen, and no order shall be made looking to said improvements in said town, nor money paid out of the fund arising from the sale of said bonds, except by a two-thirds vote of both boards conjointly. Board of public works, personnel. Duty of. Proceeds, how disbursed.

Sec. 9. That the said Board of Public Works shall hold their offices for three, four, five and six years, respectively, determined by lots, and until their successors shall be elected and qualified, and their successors shall be elected by the Board of Councilmen of the town of Edenton and the Board of Public Works conjointly, and their terms of office shall be for four years. In case of a vacancy on account of the resignation or death of any member of Tenure of board. Successors, how chosen. Vacancies.

said Board of Public Works, or his removal from the town, the said Board of Public Works shall elect to fill the unexpired term.

Repealing clause.

SEC. 10. That all laws in conflict with this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

CHAPTER 145.

AN ACT TO REPEAL THE CHARTER OF THE PIEDMONT LITERARY CLUB COMPANY OF REIDSVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Charter of Piedmont Literary Club Company repealed.

SECTION 1. That the charter of incorporation granted by the Secretary of State to the Piedmont Literary Club Company of Reidsville, North Carolina, on the 6th day of September, in the year 1902, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

CHAPTER 146.

AN ACT FOR THE RELIEF OF VANCE W. BARRETT.

The General Assembly of North Carolina do enact:

Treasurer of Chatham county to pay V. B. Barrett balance due for teaching.

SECTION 1. That the Treasurer of Chatham County is authorized and required to pay Vance W. Barrett, or his assigns, the sum of twenty ($20) dollars out of any money that may be due or may hereafter accrue in School District No. 2 for colored race in Gulf Township, Chatham County, the same being a balance due for teaching.

SEC. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

Chapter 147.

AN ACT TO INCORPORATE THE BANK OF PITTSBORO.

The General Assembly of North Carolina do enact:

Section 1. That J. B. Atwater, W. L. London, F. C. Poe, B. Nooe, H. A. London, R. H. Hayes, H. E. Litchford, their present and future associates and assigns, are hereby declared to be a body politic and corporate by the name and style of Bank of Pittsboro, and shall so continue for a period of sixty years, with capacity to take, hold and convey real and personal property, with the rights, powers and privileges incident or belonging to corporations set forth in chapter 769 of the Public Laws of 1901. Incorporators. Corporate name. Corporate existence. Powers and privileges of chapter 769 Public Laws 1901.

Sec. 2. The capital stock of said bank shall not be less than ten thousand dollars, in shares of one hundred dollars and fifty dollars each, or either and both, and fractions thereof; and such capital stock to be increased from time to time as said corporation may elect, to a sum not exceeding five hundred thousand dollars. Capital stock, shares. Increase of capital stock.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such period or periods as they shall determine. Subscription books, how and when opened.

Sec. 4. Whenever ten thousand dollars is subscribed for the said corporators, or any three of them, may call a meeting of the stockholders in the town of Pittsboro, at the office of the Bank of Pittsboro; they may proceed to adopt such by-laws and regulations for the government of the bank as they please, not inconsistent with the laws of this State nor of this act, and may elect such board of directors, not less than five, as they may deem necessary, to serve for one year, or until their successors may have been chosen, or for such term as they may prescribe. An interest in the present private partnership known as "The Bank of Pittsboro" may be exchanged for a like interest in the corporation chartered by this act; and persons holding stock in the partnership known as Bank of Pittsboro may exchange their interest for stock in this corporation upon such terms as may be mutually agreed upon by the directors of this corporation and the partners composing the partnership aforesaid. First meeting of stockholders, when and how called. By-laws, directors. Exchange of interest in partnership.

Sec. 5. The directors shall elect one of their number to be president and shall appoint a cashier and such officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors during the continuance in office of said directors; and the directors shall prescribe for the faithful discharge of their duty and may fix their compensation. Directors to be elected. President and other officers.

Sec. 6. The said board of directors may adopt and use a seal, and may break and alter the same at pleasure; may prescribe the Powers and privileges of directors.

Seal, transfer of stock.

manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do

Banking business, lend money, etc.

general banking business and exercise all the powers, rights and privileges conferred by the law of the State on banks and corporations; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans on mortgages, on real and personal estate, at a rate of interest not exceeding the legal rate, and they shall direct when dividends of profit shall be made and declared.

Failure to pay subscription to stock, remedy.

Sec. 7. That if any subscriber shall fail to pay for his stock, or any part thereof, as same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors, for cash, at the banking house of said corporation in the town of Pittsboro, after advertising such sale for thirty days in some newspaper published in Chatham County, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Corporate powers, warehouse business.

Sec. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances on merchandise and produce, and to carry on all kinds of business usually transacted by warehousemen; also, to advance money and take legal liens for all such advances, and to collect and receive interest and commissions, compensation for storage, and all labor incident thereto. All advances made by said corporation on property received for storage, or deposits and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Married women and minors as depositors.

Sec. 9. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specifically, to their own credit, they, or any of them, may draw the same on their checks or orders and be bound thereby; and such married woman, minor or apprentice shall be bound by such individual checks or orders, and said checks or orders will be a valid and sufficient release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Sec. 10. That said corporation shall have the right to act as agents, factor, assignee or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any State, county, township, town, municipality, corporation, company or individual any bonds, certificates of stock, note of any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc., and generally for managing such business, and for doing any or all of the matters and things authorized by this charter. Said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon. Corporation to act as trustee, agent, etc.

Sec. 11. The bank is authorized to organize, in connection with its general banking business, a department for savings, and do a savings bank business for the convenience of small depositors in the savings department, and to give certificates or other evidence of deposit, and to pay and to charge such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, and to regulate the time of payment and notice of demand. Savings bank department. Proviso, rate of interest.

Sec. 12. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said bank to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. Liability of stockholders.

Sec. 13. That said bank shall be located at Pittsboro, North Carolina. Bank, where to be located.

Sec. 14. That each stockholder shall be entitled, in all meetings of stockholders, to cast one vote for each share of stock of the par value of fifty dollars and two votes for each share of stock of the par value of one hundred dollars held by him or her. Voting, how regulated.

Sec. 15. The said corporation shall have all such powers and rights of issue circulating notes as currency as any act hereafter ratified shall confer upon similar banks in this State, and upon the same terms and conditions applicable to other banks. Right to circulate notes.

Sec. 16. The powers and privileges granted herein shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within five years from the date of the ratification of this act. Forfeiture for non-user, when.

Sec. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

Chapter 148.

AN ACT TO ESTABLISH A DISPENSARY FOR LITTLETON TOWNSHIP, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to sell liquors in Littleton township, Halifax county.

Section 1. That it shall be unlawful for any person or persons in any capacity whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the limits of the township of Littleton, in Halifax County, State of North Carolina, except as hereinafter provided in this act.

Dispensary commissioners, personnel.

Sec. 2. That Chas. D. House, E. B. Perry and J. W. Northington are hereby appointed dispensary commissioners for the township of Littleton, and who shall be known as dispensary commissioners,

Tenure.

who shall hold their office respectively for one, two and three years, each of whom shall continue in office until the election of his successor; that at the expiration of the term of any dispensary commissioner the two dispensary commissioners whose term has

Successors, how chosen.

not expired shall nominate an elector of the township to fill the office made vacant by the expiration of the term of said commissioner, and upon the approval of the nomination by the Town Commissioners of the town of Littleton he shall become a dispensary commissioner for the term of three years; should the said Town Commissioners reject the nomination of any one as dispensary commissioner the said dispensary commissioners whose terms have not expired shall nominate another or others until one has been approved by the Board of Town Commissioners. The said

Oath of commissioners.

dispensary commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the Clerk of the Town Commissioners. If from any cause the dispensary commissioners shall fail for thirty days to nominate a commissioner to succeed one whose term has expired, then it shall

Vacancies.

be the duty of the Town Commissioners to elect a citizen and voter of the township of Littleton to fill the office then vacant.

Commissioners to locate dispensary, when.

Sec. 3. That it shall be the duty of the dispensary commissioners first appointed under this act to provide a suitable place for the sale of liquors within the corporate limits of the town of Littleton, which shall not be within two hundred feet of any church, where spirituous, vinous and malt or fermented liquors shall be kept for sale under the direction of said dispensary commissioners by a manager, who shall have charge and control of all liquors bought by said dispensary commissioners for sale in said town of Littleton.

Manager of dispensary.

Sec. 4. That a manager shall be chosen by said dispensary commissioners, who shall have charge of the dispensary and the management thereof, under the control of said dispensary commission-

ers, and he shall be subject to dismissal for any cause which said dispensary commissioners shall in their discretion deem sufficient; the manager shall give boud in the sum to be fixed by the dispensary commissioners, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him under the direction of the said dispensary commissioners. The manager shall be paid a salary to be fixed by the dispensary commissioners, not exceeding the sum of sixty dollars per month, which compensation shall not be dependent upon the amount of sales made by him. That the dispensary commissioners shall have the power to employ assistant managers or to fill temporary vacancies on account of sickness of the manager or for any other cause.

To give bond.

Compensation of.

Assistants.

Sec. 5. The manager of the dispensary shall at all times keep under the supervision of the dispensary commissioners a stock of vinous, malt and spirituous liquors, in such quantities as the dispensary commissioners shall direct. All bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the dispensary commissioners; the said manager shall sell only for cash, and shall turn over or deposit all moneys received by him to or under the direction of the dispensary commissioners.

Duty of manager.

Stock of liquors.

Bills, how paid.

To sell for cash only.

Sec. 6. That the said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be sold in less quantities than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to be an habitual drunkard, to minors or persons intoxicated or under the influence of liquor. The dispensary shall not be opened before sunrise and shall be closed at sunset, and it shall be closed on Sundays, election days and such other days as make the sale of liquors unlawful under the laws of this State.

Commissioners to make rules.

Amount in which liquor to be sold.

Where to be drunk.

Who prohibited from buying.

Dispensary, when to close.

Sec. 7. That the price at which spirituous, vinous and malt liquors shall be sold shall be fixed and determined by the dispensary commissioners: *Provided*, the same shall not be sold for a profit exceeding eighty per cent. (80 per cent.) above the actual cost thereof.

Price of liquor sold.

Sec. 8. That the manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any open or broken packages in said dispensary. That the said manager shall make a monthly report, or oftener, if so required, to the dispensary commissioners, showing the amount of sales for the preceding month and stock on hand at last day of month.

To sell only sealed packages.

Manager to make report.

Chemist to make analysis.

Sec. 9. That the said dispensary commissioners shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no liquors shall be sold in said dispensary that are not pure and unadulterated. And if any liquors shall be condemned as impure and adulterated such liquors shall not be sold by the manager, and payment of the same shall be refused to the person from whom such liquors were purchased.

Impure liquors.

No liquors to be sold for purpose of re-selling, a misdemeanor.

Sec. 10. That no spirituous, vinous or malt liquors shall be sold in said dispensary for the purpose of selling again, and any person or persons purchasing any liquors at said dispensary for the purpose of selling again shall be guilty of a misdemeanor.

No person to loiter around premises.

Sec. 11. That the manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or upon the premises upon which the same is situated, and for a failure to comply with this section he shall be removed by the dispensary commissioners, and any person refusing to leave the dispensary or the premises upon which the same is situated shall be punished, upon conviction in the Mayor's court, as shall be provided in the town ordinances.

Penalty.

Town ordinances to be enacted.

Sec. 12. That the Board of Town Commissioners of the town of Littleton shall from time to time pass such ordinances as may be necessary to carry out the provisions of this act, and shall provide suitable penalties for violation of this act.

Dispensary, how established and maintained.

Sec. 13. That the Commissioners of the town of Littleton shall appropriate from the town treasury a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid into the town treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained out of the profits arising out of the sales in the dispensary.

Commissioners to make report.

Sec. 14. That the dispensary commissioners shall make an annual report to the Town Commissioners showing in detail the amount of money expended in the purchase of liquors, to whom paid, the amount realized from the sale of liquors, the expense of said dispensary, salary paid the manager, dispensary commissioners and all other moneys expended on account of said dispensary and moneys received on account thereof.

Commissioners to meet, chairman, secretary and treasurer elected.

Sec. 15. That the dispensary commissioners, after their qualification, shall meet and elect one of their number chairman, who shall preside at their meetings, and another shall be elected secretary and treasurer; and no moneys shall be paid out for any purpose except under the order of the chairman.

Funds, how disbursed.

Compensation of commissioners.

Sec. 16. That the dispensary commissioners shall be paid for their services the sum of fifty dollars per annum each. An extra fifty dollars each shall be allowed the chairman and secretary and treasurer.

Sec. 17. That one-half of the profits arising from said dispensary shall be paid into the treasury of the town of Littleton to the use of said town, to be expended as the Town Commissioners may direct, and the remainder of said profits shall be held by the Treasurer of said town for the use of the public roads in Littleton Township, to be expended in the improvement of said roads under the direction of the Superintendent of Roads of said township, and paid out upon his order. Profits from dispensary, how applied.

Sec. 18. That the said dispensary commissioners shall have the right to place said dispensary either on any street of said town, or back from the same, as they may think proper, and any act or ordinance to the contrary is hereby repealed and annulled. Dispensary, where located.

Sec. 19. That section 1 of chapter 411 of the Public Laws of 1897 is hereby repealed, in so far as it may conflict with this act, but no further. Section 1, chapter 411 Public Laws 1897 repealed.

Sec. 20. That the said dispensary commissioners shall have power and authority at any time to discontinue said dispensary, or to consolidate the same with the dispensary for River Township, Warren County, on such terms as the majority of the dispensary commissioners of said two dispensaries, acting jointly, may think proper, and the said dispensary commissioners of River Township shall have power to consolidate with the dispensary hereby established. In case of such consolidation the profits arising from the consolidated dispensary shall be divided between the town of Littleton and the said two townships in such proportion as a majority of the commissioners of the two dispensaries, acting jointly, may agree upon. The said commissioners may operate a dispensary, after such consolidation, either under the provisions of this act or under the provisions of the act establishing said dispensary for River Township, as a majority of them may determine, and the same shall thereafter be governed by the act so agreed upon in all respects except as to the division of the profits, which shall be made as agreed upon. Dispensary discontinued or consolidated. In case of consolidation how regulated.

Sec. 21. That this act shall not be construed to in any way interfere with the dispensary act for River Township, Warren County, nor with the dispensary act of Warren County. Not to interfere with other dispensary.

Sec. 22. That all laws in conflict with this act are hereby repealed, and section three thousand one hundred and eleven of The Code is hereby repealed, in so far as it may conflict herewith. Repealing clause. Code 3111.

Sec. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 25th day of February, A. D. 1903.

Chapter 149.

AN ACT TO AMEND SECTION ONE (1), CHAPTER THIRTY-FOUR (34), PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-FIVE (1895), RELATIVE TO THE CHARTER OF THE TOWN OF JAMESVILLE, MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1, chapter 34 Private Laws 1895 amended.

Corporate limits changed.

Description.

Section 1. That all after the word "thereof" in line three (3), section one (1), chapter thirty-four (34), Private Laws of eighteen hundred and ninety-five (1895), be stricken out, and then be inserted in lieu thereof the following: Beginning on Roanoke River, one hundred yards north of the W. L. Stallings Mill, thence in a southerly direction to the foot of New Street; thence southerly and along New Street to Washington Street; thence south one hundred yards to a corner in the Burras field; thence east to the south-west corner of the Mrs. Fannie Lilley lot; thence south along a line of fence to the southern part of the Dr. Gurkin cleared land; thence east to the centre of Maple Branch; thence north up the centre of Maple Branch to within fifty feet of the Albemarle and Raleigh Railroad track; thence east and fifty feet from said railroad track to the Jamesville and Washington Railroad track; thence northerly and along said railroad track to a railroad bridge; thence east to Roanoke River at the easterly extension of the Jamesville and Washington Railroad trestle on the Roanoke River; thence up the said river to the beginning.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 150.

AN ACT FOR THE RELIEF OF ISABEL WELLS, COLORED, A SCHOOL-TEACHER OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Treasurer of Cleveland county to pay Isabel Wells, colored, for teaching.

Section 1. That the Treasurer of Cleveland County be and he is hereby authorized to pay Isabel Wells, colored, a school-teacher in Cleveland County, the sum of twenty-five ($25) dollars out of any school funds now due or which hereafter may become due District No. 23, for the colored race, of Cleveland County: *Pro-*

vided, a voucher for the said amount shall first be signed by the committee and approved by the County Superintendent. Proviso. Voucher, how issued.

Sec. 2. That this act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 151.

AN ACT FOR THE RELIEF OF MISS MAMIE LITTLE, A PUBLIC SCHOOL-TEACHER.

The General Assembly of North Carolina do enact:

Section 1. That the County Treasurer of Anson County be and he is hereby authorized and required to pay to Miss Mamie Little, out of the public school money now due or hereafter to become due District No. 8, Burnsville Township, for the white race, the sum of forty dollars for services rendered as teacher in said district: *Provided,* the said sum is not to be paid unless a voucher, signed by a majority of the committee of said district, is presented. Treasurer of Anson county to pay Miss Mamie Little for teaching. Proviso. Voucher, how issued.

Sec. 2. This act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 152.

AN ACT TO AMEND CHAPTER 10, PRIVATE LAWS 1872-'73, AND PROVIDE FOR THE ELECTION OF A TOWN TREASURER BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter ten (10), Private Laws of 1872-'73, (page 382) be amended by adding the words "a Treasurer" between the words "Commissioners" and "and" in line two (2) of section two. Chapter 10, Private Laws 1872-3 amended. Treasurer added.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 153.

AN ACT TO INCORPORATE THE "BANK OF HAMLET," AT HAMLET, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. R. Bonsal, E. A. Lackey, L. S. Covington, T. F. Boyd, J. M. Jamison, C. V. Williams, J. M. Hollingsworth and others, their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate by

Corporate name and existence.

the name and style of "Bank of Hamlet," situated at Hamlet, North Carolina, and shall continue for the period of sixty years,

Powers and privileges.

with the capacity to take, hold and convey real and personal estate, to sue and be sued, and with all the powers, rights and privileges granted to any bank or banking institution, or belonging to corporations of like character, set forth and referred to in the first,

Chapter 16, volume 1, Code. Chapter 4, volume 2, Code.

second and third sections or other sections contained in chapter sixteen, Volume I of The Code, entitled "Corporations," or chapter four, Volume II of The Code, entitled "Banks."

Capital stock, shares.

Sec. 2. The capital stock of the said bank shall be ten thousand dollars, and may be issued in shares of fifty dollars each and such parts of a share as may be necessary and the corporators or directors

Increase of capital stock.

may elect. The stockholders of said corporation shall have power, by a vote of a majority of the stock, each share having one vote, to increase its capital stock from time to time to a sum not exceeding one

Where located, officers.

hundred thousand dollars. The office and place of business of the said corporation shall be Hamlet, North Carolina, and its officers shall consist of a president, vice-president, cashier and a board of

Directors.

not less than five nor more than nine directors, exclusive of the president and vice-president, who shall be *ex officio* members of the said board. The said directors may, if they see proper, elect a teller, who, together with the cashier and president, shall be re-

Official bonds.

quired to give bonds, with approved security, for the faithful per-

Stockholders' meeting.

formance of their respective duties. The stockholders shall meet annually and at such other time as the directors may designate, and shall elect the president, vice-president and directors, and shall fix the terms of their offices and the compensation of the president.

Vacancies among officers.

In case of a failure by the stockholders to elect a president or vice-president, or in case of a vacancy, the directors, by a majority, may appoint said officers.

Subscription books.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to capital stock of said bank, at such time and place and for such a

Prior subscriptions valid.

period of time as they shall determine. The subscriptions to the capital stock of said bank heretofore made in contemplation of the

passage of this act, shall be valid and binding in law, and collected by suit or otherwise, in the manner provided by law and herein prescribed.

When to commence business.
First meeting of stockholders.

Sec. 4. Whenever six thousand dollars are paid up the said corporators, or a majority of them, may call a meeting of the stockholders in the town of Hamlet, and the stockholders shall proceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of the State), and may elect such number of directors as may be necessary, to serve for one year or until their successors shall be chosen, or for such term as they may prescribe.

Directors, to appoint certain officers, by-laws.

Sec. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors; the directors shall prescribe their duties and shall take from them bonds, with security, for the faithful discharge of their duties, and shall fix their compensation.

Directors, powers and privileges of.

Sec. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the rights, powers and privileges conferred by the public laws of this State on banks and corporations of a like character, especially those set forth in chapter four, Volume II of The Code; may lend money at such rates of interest as may be agreed upon, not contrary to the legal rate of interest, and take such interest in advance; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property; may buy, build or lease a banking house, and sell or exchange the same at pleasure; may negotiate loans on real or personal estate, or both, and they shall direct when dividends or profits shall be made and declared: *Provided,* said bank shall not charge a greater rate of interest than is allowed by law.

Failure to pay subscription.
Remedy.
Sale of delinquent stock.

Sec. 7. That if any subscriber shall fail to pay for his stock, hereafter or heretofore subscribed, or any part thereof, as the same may be required of him, the same or any part thereof remaining unpaid may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash, at the banking house of said corporation, after three months' notice of such sale, in writing, to the said delinquent, and after two weeks' advertisement, published in some newspaper in said town, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action, as hereinbefore provided.

Warehouse business.

Sec. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders, in case the said corporation, by stock vote, shall so determine; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances in money, or merchandise, or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also, to advance money and to take legal liens, subject to existing liens, for all such advances, and collect and receive interest and commissions, compensation for storage and all labors and expenses incident thereto. All advances made by said corporation on property received for storage or deposit, and compensation for all charges and expenses thereon, shall be a lien on said property, subject to existing liens, which shall be satisfied and paid before said corporation can be required to deliver said property.

Married women and minors as depositors.

Sec. 9. That when married women, minors or apprentices deposit money or anything of value in said bank, or its branches, either generally or specifically to their own credit, they or any of them may draw the same on their check or order and be bound thereby; and such married woman, minor or apprentice shall be bound by such individual check or order, and the same shall be a valid release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Right to act as agent or trustee.

Sec. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, township, town, municipality, corporation, company or individual any land, certificate of stock, notes, or any description of property, real or personal, or for endorsing or guaranteeing the payment of said certificates of stock, notes, etc., and generally for managing such business; and for doing any of the matters and things authorized by this charter, the said corporation may charge such premium, commissions or rates of compensation as may be agreed upon.

Savings bank department.

Sec. 11. The bank is authorized to organize, in connection with its general banking business, a department for savings and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto, in case the stockholders of the said bank shall so vote, in which case the said bank may receive deposits in the savings department and give certificates therefor, and to pay such interest as its directors may authorize, not exceeding a legal rate of interest, and also regulate the time of payment and notice of demand.

Sec. 12. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of the said corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. Liability of stockholders.

Sec. 13. That the said bank shall be located at Hamlet, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the sum of fifty dollare shall be paid to the State Treasurer. Location of principal office. Branch offices. Proviso, tax.

Sec. 14. That each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote for each share of stock of the par value of fifty dollars owned by him or her. Voting in stockholders' meeting.

Sec. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney. No stockholder shall transfer his stock, if he is indebted to the corporation as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder: *Provided*, that this provision shall be printed on each certificate of stock issued. Stock, how transferred. Lien in case of stockholder's indebtedness. Proviso. Certificate to so state.

Sec. 16. That said corporation shall have power to receive money in trust, and to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise, or bequest, and to hold a real or personal estate or trust created in accordance with the laws of this State, and then to execute the same on such terms as may be established or agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. In case its stockholders shall so elect it shall have power and authority to receive for safe-keeping, on deposit, all money, bonds, stocks, diamonds and silver plate and other valuables, and collect reasonable compensation for the same, which charge shall be a lien on such deposit until paid, and generally to do and carry on business of a safe deposit and trust company. Powers and privileges of corporations. Acts done under charter. Deposit of valuables.

Sec. 17. The powers and privileges granted herein shall be deemed forfeited unless the said corporation is organized within two years from the ratification of this act. Forfeiture, non-user.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 154.

AN ACT TO AMEND CHAPTER 29 OF THE PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Chapter 29, Private Laws 1901 amended.

That chapter 29 of the Private Laws of North Carolina, passed at the session of the Legislature of 1901, be amended by adding thereto after section 5 the following sections, in the order named, to-wit:

Power to insure members.

Sec. 6. The said corporation shall have the power to insure the lives of its respective members, and to make all and every insurance pertaining to or connected with life insurance risks, and to

Grant Annuities.

grant and purchase annuities. The real estate which it may be lawful for the corporation to purchase, hold, possess and convey shall be:

Real estate of corporation.

(1). Such as shall be requisite for its immediate accommodation in the convenient transaction of its business.

Real estate as security.

(2). Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for money due.

Real estate taken for debt.

(3). Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Real estate purchases to secure debt.

(4). Such as shall have been purchased at sales upon judgments, decrees or mortgages made for such debts. The said corporation

No other real property to be owned.

shall not purchase, hold or convey real estate in any other case, or for any other purpose, and all such real estate as shall not be necessary for the accommodation of said company in the convenient

Real estate acquired to be sold, when.

transaction of its business shall be sold and disposed of within ten years after the said company shall have acquired title to the same.

Who deemed members of corporation.

Sec. 7. Persons who have heretofore, or those who shall hereafter insure with said corporation, and their heirs, administrators, executors and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Corporate powers, in whom vested.

Sec. 8. All the corporate powers of said company shall be vested in and exercised by a board of trustees and such committees, officers

Board of trustees, number of.

and agents as they may appoint. The board of trustees shall consist of not less than six nor more than twelve persons. They

shall elect a president annually, who shall be a trustee and a member of the corporation, and they shall have power to declare by by-law what number of trustees less than a whole but not less than a majority shall constitute a quorum for the transaction of business, and five shall constitute a quorum until otherwise provided by by-law. The trustees shall have the power to make all such by-laws as shall be needful or proper to the due exercise of the powers hereby granted. President. Quorum. By-laws.

Sec. 9. The present board of directors of said corporation shall constitute the first board of trustees, and they shall, at the next annual meeting of said corporation, divide themselves by lot into three classes. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years, and so on successively each and every year. The trustees of each class shall be elected by the members of the corporation, and the holder of each policy of insurance effected on his own life or upon the life of another for his benefit or the benefit of his wife, his heirs or personal representatives, and being in force at the time of an election, shall be entitled to vote; but no member shall be entitled to more than one vote, regardless of the amount of insurance effected by him as above stated. This section shall not be construed to prevent a trustee going out from being eligible to re-election. The board of trustees may fill any vacancies in their number occasioned by death, resignation or in any other manner. Temporary board of trustees. Tenure. Trustees, how chosen. Who entitled to vote. Vacancies.

Sec. 10. The annual meeting of the members of said corporation, for the purpose of electing trustees therefor, shall be held on the first Wednesday in February of each year at the home office of the company in the city of Greensboro, North Carolina, and the trustees elected at each annual election hereafter shall hold their office respectively for three years, unless sooner removed according to law, except such as may be elected to fill vacancies, who shall hold their respective office until the expiration of the term of office of the class of trustees to which they may respectively belong. Annual meeting, when and where held. Purpose of.

Sec. 11. No person shall be eligible to the office of trustee of said company unless he shall have effected an insurance upon his own life for the benefit of himself, his wife, his heirs or representatives for at least $3,000 payable in one sum, or in one of the company's policies providing, in case of death, for an annuity to the beneficiary or beneficiaries of $300, which insurance shall be in full force and effect and on which he shall have paid the premium for one year. Every trustee of said company shall, during his whole term of service, be a citizen of the United States, and at least two-thirds of the trustees of the said company who may be hereafter elected shall have resided in the State of North Carolina one year next Who eligible as trustee. Qualifications.

preceding their election, and be a resident of the same during their continuance in office. The number of persons eligible to the office of trustee of said company equal to the number of trustees to be elected at each annual election, who shall receive the highest number of votes cast thereat, shall be chosen trustees.

Who declared elected.

Proxies, how voted.

Sec. 12. Members of the said company may vote by proxies dated, executed and acknowledged before a notary public or the Clerk of a Court of Record within ten days next preceding, and return to the home office of the company for examination and registry upon the books of the company at least five days previous to the meeting of the members of the company, at which the same are to be used, but no person shall be allowed to cast by proxy more than five votes in addition to the vote to which he may be entitled as a member of the company on his own insurance, and no officer, trustee, agent or employee of the company shall act or be entitled to vote as proxy for an absent member.

Trustees to purchase obligations of company.

Sec. 13. The trustees shall have the right to purchase for the benefit of the company all policies of insurance or other obligations issued by said company, but in no case shall the price paid be less than the guaranteed cash surrender value.

Investments by company, how made and regulated.

Sec. 14. Subject to approval of the Insurance Commissioner of North Carolina, the trustees shall have the right to invest a certain portion of the premiums received, not to exceed one-half thereof, in bonds of the United States or of the State of North Carolina or of any other State, or any bonds of any county or incorporated city in the State of North Carolina or any other State, subject to the provisions of the general insurance law, section 27, subsections second and third, or in any such class of securities of corporations chartered under the laws of North Carolina, or in any other State, as the said company, through its board of trustees, may decide; and the company may loan to policy-holders therein from time to time sums not exceeding the loan values of their respective policies as therein stated, upon notes to be secured by the policy of the person to whom the loan may be made: *Provided, however*, that the said trustees are hereby authorized, in their discretion, to invest so much of the assets of the said company in the bonds or other securities of any State of the United States (including the bonds or other securities of any municipality in such States) in which the company may desire to transact the business of life insurance, as may be necessary to comply with the requirements of the law of said States relating to life insurance companies incorporated by other States.

Loan to policy-holders.

Proviso.

Investments by company.

Real estate investments by company.

Sec. 15. Except as provided in the preceding section the whole of the premiums received for insurance by said company may be invested in bonds or notes secured by first mortgages on real estate, the real estate or property to insure such investment of capital to

be worth in every case, at a fair and reasonable valuation, twice the amount loaned thereon.

Sec. 16. The said company shall have power to make re-insurance of any risks which it may heretofore have taken, or of any risks which it may hereafter take. Re-insurance by company of risks.

Sec. 17. Any officer, agent or trustee of said company who shall be convicted of having abstracted or taken any money or evidence of debt or other property belonging to this corporation, and shall have disposed of it or placed it beyond the reach of the officers of the corporation, without having first authority from the board of trustees or the finance committee by a resolution entered upon their books so to do, shall be guilty of a felony, and shall be adjudged to pay a fine in a sum not exceeding five times the amount of the sum proved to have been abstracted, and shall be sentenced to confinement in the State Prison for not more than five years in the discretion of the court having cognizance thereof. Misappropriation or abstraction of funds of company by its officers or agents. A felony. Penalty.

Sec. 18. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 155.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE, N. C.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Board of Aldermen of the town of Waynesville shall have full power and authority, and it is hereby made their duty, to grade, pave, macadamize and otherwise improve for travel and drainage the streets and public squares and alleys of said town, and put down crossings, curbings and cross drains, and otherwise properly improve them, and that the said Mayor and Board of Aldermen shall begin the said work at once and prosecute the same as vigorously as practicable, under the provisions of the charter of the said town. Duty of mayor and aldermen to repair streets. When to begin work.

Sec. 2. That in order to more fully carry out the duty imposed by section first of this act the said Mayor and Board of Aldermen shall assess two-thirds of the cost of the grading, paving, macadamizing, constructing cross drains, side drains and all other necessary drains and crossings, or otherwise improving the said roadways or streets proper, on the real estate abutting on the street, public square, alley or road-way, or portion thereof so improved or repaired, assessing one-third of the cost of such improvements on the real estate abutting on each side of the street, or part thereof so improved or repaired: *Provided,* that whenever any such street, Abutting real estate to be assessed two-thirds value of work. One-third assessment on property on each side of street. Proviso.

public alley or road-way, or the part thereof so proposed to be graded, paved, macadamized or otherwise improved, except on Main Street between the "Temple Lot," near the Presbyterian Church, and fifty feet south of where Academy Street intersects with Main Street; the said Mayor and Board of Aldermen shall not be authorized to pave, macadamize or otherwise improve the same by virtue of this act, or to levy assessments upon property abutting on such streets or alleys, or the parts thereof so paved, macadamized or improved lying outside of the said radius, as in this act set forth, until and unless the majority of persons owning land abutting on such street or alley, or portions thereof proposed to be improved, shall, in writing, request the said Mayor and Board of Aldermen to make such improvement; and said improvement when so made shall be left to the discretion of said Board of Aldermen in all cases.

Certain street not to be worked under this act unless majority of property-owners petition.

Assessment, how ascertained.

Sec. 3. That to equalize the assessments on real estate for the purposes described in section two of this act the said Mayor and Board of Aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then pro rate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street, or portion of the street so improved, and charge to and assess upon the real estate upon each side of the street upon which said work is done its pro rata share of one-third of the cost of such improvement made under the provisions of this act: *Provided, however,* in order to avoid obstructing, land owners may subdivide their lands in such manner as they may see fit, and shall file in the office of the Town Clerk a plat of such subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessments made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where, in such cases any lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain charged with its ratable proportion of said assessments and lien, according to its frontage. Whenever the said Mayor and Board of Aldermen shall order paving or other improvements to be made on any street, or any part thereof, in the said town, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map thereof to be made of the various lots and properties abutting on said street, or the portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any, and the said map shall be filed in the office of the Town Clerk, to be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street the said

Proviso.

Property-owners to subdivide their lands.

Assessments, upon what land to apply.

Survey to be made.

Survey to be filed, where.

Town Clerk shall write upon the said map the amount assessed upon the same, and he shall keep a record book showing such assessments, liens and the date and amount of all payments made on any of said assessments and liens. Record to be kept by town clerk.

Sec. 4. That the amount of assessments of such street improvements as hereinbefore provided, being estimated on each piece of real estate as above described shall be a lien on such real estate, and the said Mayor and Board of Aldermen shall cause the City Engineer to make a survey and a report of the amount of work done, and the cost thereof, upon what street or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot, and the pro rata share of such cost of such street improvement to be assessed against such real estate; and upon the adoption and approval of the said report, the liens authorized by this act shall become complete and operative, and shall be paramount to all other liens on said real estate, except the liens for taxes thereon, and the said report shall be transcribed upon the minutes of the said Board of Aldermen, and the amount of said liens and said assessments against all property abutting upon said streets, as aforesaid, shall become due and payable as follows, to-wit: One-fifth in thirty days after the adoption of said report and the balance in four equal ninety days' installments, which deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid; and upon the filing of said report the said Mayor and Board of Aldermen shall cause ten days' notice to be given by publication in some newspaper published in the town of Waynesville, stating that such report has been filed in the office of the Town Clerk, and that at the first regular meeting of the said Board of Aldermen, to be held after the expiration of the said ten days' notice, the said Board of Aldermen would consider said report, and if no valid objection be made thereto the same would be adopted and approved by said board. Any owner of lands affected by said liens for assessments shall have the right to be heard concerning the same before the said Board of Aldermen by filing objections thereto in writing, duly verified by his oath, in the office of the Town Clerk at least two days prior to the first meeting of the board at which said report may be approved and confirmed, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state said objections in writing, what part, if any, of said assessments he admits to be lawfully chargeable to his said land and what part thereof he disputes, and said Board of Aldermen shall hear said objections and shall thereafter approve or confirm said report and overrule said objections, or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filed objections,

Assessment a lien.

Report of survey by city engineer, what to contain.

Liens, when complete.

Report to be recorded, where.

Assessments, how paid.

Notice to be given of liens, what to state.

Owners of land dissatisfied to be heard, how, to object in writing.

Objection, what to state.

as aforesaid, to the confirmation of said report shall have the right, within ten days after the approval or confirmation of the same by the said Board of Aldermen, and not after that time, to appeal from said decision of the said Board of Aldermen to the next Superior Court of Haywood County, North Carolina, by serving upon the said town notice, in writing, of his intention so to do, and specifying in said notice item or items in said report which he disputes, and by filing within said time, in the office of the Clerk of the Superior Court of Haywood County, a written undertaking in at least the sum of two hundred dollars, with sufficient sureties to be justified before and approved by said Clerk, to the effect that said appellant will pay to the said town all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against said appellant. In case of an appeal, as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the Mayor and Board of Aldermen, a copy of the objection of the appellant thereto and of said notice, duly certified by the Town Clerk, shall constitute the record of appeal, and when filed in the office of the Clerk of the Superior Court of said county the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the town of Waynesville "as an appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of the said town, but said town shall have the right to file a further answer of defense, therefore, be it so advised, and said cause shall stand for trial at the next term of court beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed, and said bond is not filed by the appellant within ten days after the confirmation of said report, all rights to prosecute such appeal shall be thereby forfeited. And upon the trial of the issues arising on such appeal, if all issues be found in favor of the appellant, the lien for said assessment shall be discharged; if, however, the issues, or any of them, be found in favor of the town of Waynesville to any amount, and if it be thereby ascertained that the appellant is due to said town any amount by virtue of the matter therein referred to, or that said land is subject to a lien for said assessments, or any part thereof, then the amount so found in favor of the town of Waynesville, with interest thereon, together with cost thereon approved, which cost shall be assessed as costs in other civil actions, shall be and continue a lien against the property on which the original assessment was placed, from the date of the approval of said report, by said Board of Aldermen, and shall be collected by the Tax Collector in such manner as the other assessments herein provided for are collected. The adoption and approval of said report of the City Engineer by said Mayor and Board of Aldermen shall complete the

Appeal to Superior Court by dissatisfied land-owners.

To file bond on appeal.

Record on appeal.

Where docketed.

Cause when at issue.

Town to file answer.

Proviso.

Appeal when deemed forfeited.

Trial of issue, result.

Judgment as in civil actions.

Assessment, how collected.

said liens for the amount stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in the case of a failure to pay either of said assessments, or any installment thereof, within thirty days after its maturity, then the whole thereof shall become due and payable, and an execution shall be issued by the said Town Clerk, directed to the said Tax Collector of the said town, who shall advertise the land upon which the said assessments so in default have been made, as aforesaid, in the manner as is required by law for the sale of land for taxes under the provision of the charter of said town, and shall sell the said land, or a portion thereof, at the court-house door in Haywood County, North Carolina, in the same manner as he is required to sell real estate in said town in case of failure to pay taxes due thereon, and shall give to the purchaser a receipt stating the time the land was advertised, the date of sale, the name of the purchaser, the price paid, the amount of assessments due thereon, the cost of the sale, the name of the owner or owners of the land sold, the interest in said land so sold as aforesaid and the description of the same; and the owner or owners of the land so sold as aforesaid shall have twelve months in which to redeem said land from such sale by paying to the Tax Collector of said town the amount for which said lands were sold, together with twenty per centum per annum additional thereto. In making such sale the said Tax Collector shall set up and offer for sale the whole of the real estate to be sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making sale, for the smallest interest in said land. For every piece of real estate, or part thereof, so advertised, said Tax Collector shall also collect, in the same manner as such assessments are collected, the sum of fifty cents to defray the expense of such advertisement. All such sales shall be made to the highest bidder, for cash, on any day of the week or month except Sunday or legal holidays, and he shall be deemed the highest bidder who shall pay such assessments and expenses of sale for the smallest interest in such real estate, and if no person shall bid enough to pay such assessments and expenses said Tax Collector shall bid on behalf of the town of Waynesville the amount of such assessments and expenses; and if no higher bid shall be made the same shall be struck off to the said town of Waynesville; and in all cases where real estate shall be struck off to the said town, as hereinbefore provided, the same shall belong to the town in fee-simple, unless redeemed in the manner provided by law, and said Tax Collector shall immediately thereafter make a return to the Board of Aldermen of the said town by filing with the Clerk of the said town a statement of the proceedings, showing the purchaser or purchasers of said real estate,

Failure to pay assessment.

Execution and sale.

Purchaser to be given receipt, what to state.

Right to redeem property, when.

Sale, how made.

Expense of sale, how borne.

Sale when made, highest bidder.

If no bidder, what to be done.

If struck off to town.

Tax collector to make return, where and when.

and the amount of interest in such real estate, or each part thereof, that was sold, which shall be entered by the Town Clerk upon the minute books of said Board of Aldermen; if the land so sold, as aforesaid, is not redeemed within twelve months, then the Tax Collector of the said town shall make to the purchaser or purchasers a deed in fee-simple for the said lands or the interest thereof so sold as aforesaid, and the said deed shall operate to convey to the purchaser and his heirs the title to the said land in fee-simple: *Provided, however,* that the owner of any land subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

Tax collector to make deed for unredeemed land.

Proviso.

Payment of liens.

Mayor and aldermen to have control of street work.

Sec. 5. That the said Mayor and Board of Aldermen of said town, by their proper officers, shall have the exclusive control and management of the work of improving the said streets, and the cost thereof shall be paid out of the street improvement fund provided for in this act and out of any other funds belonging to the said town of Waynesville that may be available for such purpose, the said town itself being liable for all costs of all curbing and for one-third of the cost and expenses of improving the streets or road-way between the curbings, and the abutting land on each side assuming the liability hereinbefore created: *Provided, however,* that whatever of the cost of the street improvement which may be paid by or assessed against the property of any street railroad or railway company, as provided for by law, shall be deducted from the proportion of the cost of such improvement for which the said town is liable as aforesaid, whether such street-railway or street railroad shall run through the centre or upon either side of the street so improved as aforesaid, and the amount to be paid by the said street-railway or street railroad company, as provided for by law, shall not in any event be deducted from any sum assessed against the abutting land owners under the provision of this act.

Town liable for one-third cost of street work.

Curbing.

Proviso.

Assessments against street and railway companies.

Mayor and aldermen may sell liens.

Sec. 6. That the said Mayor and Board of Aldermen are hereby authorized and empowered to assign, sell and transfer the said liens created by this act, and all sums owing thereon, either absolutely or upon condition, to any person or persons in order to enable them to devise means to carry into effect the provisions hereof, and if any such liens shall be transferred as aforesaid, and shall not be paid to the owner thereof when due, they shall be collected by the Tax Collector of the said town in the same manner as other assessments herein provided for in this act, and the amount thereof when collected shall be paid by the said Tax Collector to the owner or owners of said liens, less his compensation for collecting the same, which shall be fixed by said Board of Aldermen, but shall not exceed two per centum of the amount actually collected by him.

Purpose of sale.

Liens transferred, how redeemed.

Compensation of tax collector.

Sec. 7. That all funds derived from assessments heretofore or hereafter levied by said Mayor and Board of Aldermen of the town of Waynesville upon private property, on account of improvements of the streets upon which said property abuts shall, when collected and received by the town of Waynesville, constitute a specified fund, to be designated as "Street Improvement Fund," and the same, with the funds derived from the taxes hereinafter authorized to be levied, shall be kept separate from all other funds of said town, and a separate record thereof shall be kept by the Town Clerk, and said funds and every part thereof shall be applied by the Mayor and Board of Aldermen exclusively to the grading, paving, macadamizing or otherwise improving the streets of said town according to the true intent and meaning of this act. And in order to supplement said street improvement fund and to enable said Mayor and Board of Aldermen to carry into effect the provisions of this act, the said Mayor and Board of Aldermen are hereby authorized and empowered to levy annually, and cause to be collected by the Town Tax Collector, in addition to the taxes otherwise provided by law, and under the same rules and regulations as general poll and property taxes are provided by law, a special street tax of said town, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on the poll, for the purpose of carrying into effect the provisions of this act, and the fund derived from such taxes shall be and constitute a part of the "Street Improvement Fund" hereinbefore mentioned, and shall be applied exclusively to the purposes hereinbefore set forth.

Street improvement fund created, of what to consist.

To be kept separate.

How applied.

Mayor and aldermen to levy special tax, purpose of.

Amount, property and poll.

Sec. 8. The said Mayor and Board of Aldermen are hereby authorized and empowered to make and enter into any and all contracts and agreements, and to pass, ordain and to enforce any and all orders, rules and regulations that may be necessary and proper to carry out the provisions of this act.

Mayor and aldermen to make contracts, ordinances.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 156.

AN ACT TO INCORPORATE THE WINSTON-SALEM SOUTHBOUND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That F. H. Fries, J. W. Fries, W. A. Lemly, Jas. A. Gray, A. E. Holton, C. A. Reynolds, J. C. Buxton, H. A. Pfohl, R. J. Reynolds, Jno. W. Hanes, H. E. Fries, C. B. Watson, and such other persons as may be associated with them, are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of the "Winston-Salem Southbound Railway Company," and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other way real and personal property and holding, leasing, conveying, or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary regulations for its government, not inconsistent with the laws of the United States or of the State of North Carolina. It may build branch roads from any part of its main line not exceeding fifty (50) miles in length.

Corporate powers.

Branch lines, length.

Counties through which may build.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from Winston-Salem, North Carolina, through the counties of Forsyth, Davidson, Davie, Guilford, Randolph, Montgomery, Rowan, Stanly, Cabarrus, Mecklenburg, Union and Anson, and through any parts of either of said counties to the South Carolina line: *Provided, however*, the said road shall not be run parallel to the North Carolina Railroad, or approximately parallel said road at any point for a greater distance than five (5) miles.

Not to parallel the North Carolina road.

Capital stock, shares.

Sec. 3. The capital stock of said railway company shall be one hundred and twenty-five thousand ($125,000) dollars, which may be increased from time to time by the voters of its shareholders to an amount not exceeding three millions ($3,000,000) of dollars, to be divided into shares of one hundred ($100) dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section 97 of chapter 2 of Public Laws of 1901, for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company,

Minimum subscription for organization.

and fifteen thousand ($15,000) dollars shall be the minimum subscription on which said company may be organized.

Subscription books, how, when, and where opened.

Sec. 4. That said incorporators shall have the power to open books of subscription in person, or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may when they deem proper, after twenty (20) days' notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting and all other meetings of the stockholders of said company each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of said company prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the directions of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting, said stockholders' meetings to be annually, but if the day of annual election should under any circumstances pass without an election, the corporation shall not thereby be dissolved, but the directors formally elected shall continue in office until a new election shall take place.

Organization and officers.

Directors' term of office.

Stockholders' meetings.

Directors' term of office.

Directors, how elected.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors, and at all elections and upon all votes when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Vacancies in officers and directors, how to be filled.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected. The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the directors they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present, in that case the vice-president shall act.

Certificates of stock, how issued and transferred.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Power to consolidate.

Corporate powers.

Sec. 8. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises, or any part thereof, to any other railroad, and the road so leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere and hold shares in the same. It shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon.

Power to use any portion of road.

Corporate powers.

Sec. 9. The said company shall have the right when necessary to construct their said road across any public road or other railroad, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the Board of County Commissioners.

Right of eminent domain.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go, for the purchase of the land for the right of way and depot purposes, the said company may proceed to condemn and enter same in the manner set out in chapter 49 of The Code and amendments thereto; may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the object for which the land is desired, with a description of plot thereof. The Clerk of the Superior Court shall thereupon appoint five disinterested freeholders, who shall be summoned by the Sheriff, to meet on the premises at a time not more than ten days after the appointment and assess the damages of the land taken. In assessing the damages

Provisions for condemnation proceedings.

the appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special or general benefit which the owner may derive from the location of the road. If the consideration shall be for the way only, the consideration shall extend only to the right of way, but if for depot or building purposes, the consideration shall be in fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the Register of Deeds, after approval by the Clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court, in term time, from the approval or disapproval of the Clerk, which appeal must be prayed within ten days from the approval or disapproval of the Clerk.

Limit of land allowed to be condemned.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty (50) feet on each side of their road-bed, measuring from the centre of the same, except for depot and warehouses they may condemn not exceeding two acres in any one place, and in all cases where land or rights of way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and such cases within two years from the removal of such disabilities.

Power of counties, townships, or towns to subscribe to capital stock.

Sec. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of said company in the following manner: Upon presentation of writing signed by not less than one hundred freeholders and resident tax payers of the county, township, city or town to the Board of County Commissioners of said county or to the proper authorities of said city or town requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the Board of Commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general

Election for subscription, how held.

Ballots, what to contain.

Election, how held.

election laws of the State of North Carolina; such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, town or city where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or proper authorities of said city or town.

Notice.

Description of bonds and manner of issue.

Sec. 13. If a majority of the qualified voters vote for subscription, then the Board of Commissioners of said county, or proper authorities of said city or town, shall immediately make such subscriptions, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Tax levy for interest and sinking fund.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the Treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Taxes, how collected, kept and paid out.

Power to issue bonds.

Sec. 15. It shall be lawful for the said Winston-Salem Southbound Railway Company, chartered by this act, to issue coupon bonds in such denominations and running for such a time and

Interest.

bearing interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure the payment

Company authorized to execute mortgage.

of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or in case the road be divided and built in

sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections, and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth County, and upon registration in Forsyth County it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

Mortgage, how registered and lien created thereby.

Sec. 16. That the Board of Directors of the Penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty (250) in number, to be worked in construction of said road on such terms as may be agreed upon. The said convicts to be guarded and superintended by the authorities of the Penitentiary and be hired to said company as provided by law.

Provision for working convicts.

Sec. 17. That the stockholders of said company, with the private citizens of the corporation, public, private or municipal, shall not be personally liable for the debts of said company.

Stockholders' liability.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 157.

AN ACT TO ALLOW THE TOWN COMMISSIONERS OF ELIZABETHTOWN TO LEVY A SPECIAL TAX FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of enabling the Commissioners of the town of Elizabethtown to complete their contracts for grading the streets of said town, the said Board of Town Commissioners are hereby authorized and empowered to issue interest-bearing bonds or scrip in such denominations as the said board may determine, not exceeding in the aggregate the sum of five hundred dollars, and bearing a rate of interest not greater than six per centum, the interest payable semi-annually. That said bonds shall not run longer than ten years, and shall be signed by the Mayor as chairman of said board, and by the Clerk and Treasurer of the town. That the said scrip or bonds shall be issued for the special purpose of completing the work on the Tory Hole and grading the streets of said town.

To complete street work in Elizabethtown.

To issue bonds.

Amount, interest.

Time to run, how executed.

Purpose of issue.

Commissioners to levy tax.

Sec. 2. That for the purpose of paying the said bonds or scrip and the interest thereon the said Board of Town Commissioners are authorized and empowered to levy a special tax for ten years not

Amount, property and poll.

exceeding the rate of twenty (20) cents on the one hundred ($100) dollars valuation of real and personal property and sixty (60) cents upon the polls in said town. That the said tax shall be levied and collected annually, as other public taxes are collected in said town, and the constitutional equation between the tax upon property and polls shall be preserved. That said Town Commissioners

Surplus, how applied.

are authorized and empowered to use any surplus arising from the general levy of taxes in paying off the interest and principal of said scrip and bonds.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 158.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF AHOSKIE.

The General Assembly of North Carolina do enact:

Corporate existence and name continued.

Section 1. That the town of Ahoskie shall be and continue as heretofore, a body politic and corporate, and by the name of "The Town of Ahoskie"; may sue and be sued, plead and be impleaded,

Powers and privileges.

purchase, hold and receive by conveyance, gift or devise all such real and personal property as may be desirable for town purposes and for its proper government, and may from time to time sell and dispose of the same and reinvest the proceeds as may be deemed advisable by the proper authorities of the town.

Corporate limits.

Sec. 2. The corporate limits of the town shall be as follows, to-wit: Beginning at a stob on the Norfolk and Carolina Railroad, two hundred and twenty (220) yards south of the County Road, known as the St. Johns Road; thence westerly four hundred (400) yards at right angles with said railroad; thence northerly eight hundred and twenty (820) yards, parallel with said railroad; thence

Description.

easterly at right angles with said railroad eight hundred and forty (840) yards; thence southerly, parallel with said railroad three hundred and sixty (360) yards; thence easterly at right angles with said railroad two hundred and sixty (260) yards; thence southerly parallel with said railroad four hundred and sixty (460) yards; thence westerly six hundred (600) yards to the first station.

Officers, when chosen.

Sec. 3. That the government of said town shall be composed of a Mayor and three Aldermen and a Constable, who shall be biennially elected on the first Monday in May by the qualified voters of the town as herein provided.

Election, how held.

Sec. 4. The said election shall be held under general laws governing town elections, except as herein provided, and every resident citizen of the town otherwise qualified to vote in an election for members of the General Assembly, who has resided in the town for six months immediately preceding the election shall be entitled to register, and to cast one ballot, on which shall be the name of all persons for whom he wishes to vote, with the office properly designated. The several persons receiving the highest number of votes for any office shall be declared elected thereto. Immediately upon counting out the ballots the judges of election shall declare the result at the place of election and shall post the same in writing at two public places in the town, and within three days thereafter shall transmit, under the hands of a majority of them, their report of the same to the Mayor, who shall cause the same to be entered at the next ensuing meeting of the Aldermen as a part of the record of their meeting, and he shall direct the Constable to notify the officers-elect of their election.

Who entitled to vote.

Who declared elected.

Result, how declared and published.

Tenure.

Sec. 5. The terms of said officers shall begin on the third Monday in May thereafter and continue two years, and until their successors are elected and qualified.

Judges and registrars of election.

Sec. 6. The Board of Town Commissioners shall appoint two judges of election and a registrar, in apt time, so that the registrar may give legal notice of his opening of the books of registration, and so that he may keep them open the prescribed length of time preceding the election.

Mayor constituted court, jurisdiction of.

Sec. 7. The Mayor shall be and he is hereby duly constituted an official court, with the jurisdiction of a justice of the peace in all criminal matters; and in all matters pertaining to the enforcing of the collection of taxes of the town, including proceedings by garnishment and distress of property. He shall have original and exclusive jurisdiction to try all offenses against the town ordinances and concurrent jurisdiction with the justices of the peace as to all other violations of criminal law in the town. He shall conduct proceedings before his court as commonly prescribed for mayors, with the right of appeal therefrom as now provided by law.

Proceedings in mayor's court, appeals.

Power of mayor to commit and fine.

Sec. 8. That the Mayor shall have power to commit any person or persons convicted of any violation of any ordinance of the town to the town or county prison until the fine and costs imposed by him and the jail fees are paid; and such person or persons can only be released as is provided in like cases in other courts.

Board of commissioners, powers of. Vacancies. Secretary and treasurer of. By-laws.

Sec. 9. The Board of Commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, to appoint a Secretary and Treasurer and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The Board of Commissioners shall be further authorized to appoint one of their number or other discreet person, who is a qualified voter of the town who shall be termed "Mayor *pro tempore*," and who shall act in the stead of the Mayor in case of his sickness, absence or other disqualification to act in the premises.

Mayor pro tem.

Secretary and treasurer, duty of. Minutes of meetings, accounts. Money, how disbursed.

Sec. 10. The Secretary and Treasurer shall act as clerk of the meetings of the Board of Commissioners. He shall keep fair and regular minutes of all meetings of the board, keep a strict account of all money coming into his hands from any or whatever source belonging to said town, pay the same out upon order of the board, and at the expiration of his term he shall deliver to his successor all balance of money, books, papers and other property belonging to said town, and receive for his services such compensation as the board may allow.

Constable and tax collector, duty of.

Sec. 11. The Town Constable may be the Tax Collector, and unless another is appointed and duly qualified he shall collect the same. The Tax Collector shall be invested with all the power of the Sheriff of the county in the collection of taxes.

Constable to enforce ordinances and orders of commissioners, preservator of the peace. Execute process.

Sec. 12. The Constable shall see that the laws and ordinances and orders of the Commissioners are enforced, and shall report all breaches thereof to the Mayor; he shall preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose shall have the power and authority vested in sheriffs and other constables. He shall execute all warrants and precepts or other processes lawfully placed in his hands by the Mayor or others for execution, and shall have the same power in the execution thereof anywhere in Hertford County that the Sheriff may have.

Fees of. Compensation of.

He shall have the same fees as prescribed for service of process and collection of taxes when he collects the same as the Sheriff of the county has for collecting taxes, and shall be subject to the same penalties for failure to perform his duty. He shall have such other compensation as the Commissioners shall allow.

Police of town.

Sec. 13. The Constable and policemen of the town shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State of North Carolina, and when arrests have been made the prisoner or prisoners shall be immediately carried before the Mayor or some other competent officer for trial, except in the following cases: 1st. When the arrest is made between sunset on Saturday and eight o'clock on Monday morning; 2d. When the arrest is made in the night; 3d. When the

Duty of officers when arrest is made. Arrests between Saturday and Monday, arrests at night or of intoxicated persons or for safe keeping of party.

person arrested is found in an inebriated or intoxicated condition; 4th. When for the safe-keeping of the party arrested imprisonment is necessary. In any of these cases the prisoner may be committed without mittimus or warrant to the town or county jails until his trial before the Mayor or other officer, which cannot be compelled, except between the hours of 8 o'clock in the morning and sunset on all days of the week except Sundays not at all.

When officer can arrest:

Sec. 14. That any arrests shall be made by the Constable or any policeman of the town in the following cases: (1) Whenever he shall have in his hands a warrant duly issued by the Mayor of Ahoskie or other judicial officers who may issue warrants to such officers; (2) whenever any misdemeanor or the violation of any town ordinance shall be committed in his presence; (3) whenever any misdemeanor or the violation of any town ordinance has been committed and he has a reasonable cause to believe that the suspected party may make his escape before a warrant can be obtained. Whenever any arrest is made by any town officer it shall be lawful for him to subpœna any by-stander as witness or witnesses, and such subpœna shall be as binding as though made with a written subpœna from any competent authority to issue the same.

(1) On warrant.

(2) For misdemeanor in his presence.

(3) Upon reasonable suspicion of violation of law.

Oral subpœna of witnesses.

Commissioners to meet monthly, call meetings.

Sec. 15. The Commissioners shall meet in regular session as often as once a month, and at such other times as they may determine upon, or when the Mayor shall call a meeting. The Commissioners when convened shall have the power and it shall be their duty to enact such by-laws, rules and ordinances as they may deem best necessary for the proper government of the town, and when such ordinances have been adopted it shall be the duty of the Clerk to prepare a suitable draft of the same in a book kept for that purpose, and to post the same at two public places in the town.

By-laws, ordinances, how recorded and published.

Powers of commissioners.

Sec. 16. That among the powers conferred upon the Commissioners are the following: To provide for the construction and laying out of streets, alleys, roads and lanes, and for the widening of the the same; to regulate the cleaning and repairing of all streets and sidewalks; to condemn land for any purpose necessary; take all proper and effectual means for extinguishing conflagrations and fires; to make regulations to cause the due observance of the Sabbath; suppress and remove nuisances; take all necessary measures to preserve the town from contagious diseases; to provide for the appointment of special police and other officers needed; take measures to preserve the peace of the town, to execute the laws and ordinances thereof and maintain good order; to enact and enforce such laws and ordinances as they may deem necessary to preserve the health of the town; determine when necessary the boundary of streets, establish new streets and sidewalks; to provide for restraining and licensing shows, circuses and public amusements in the town; to restrain and prohibit gambling and the manufacture or

Construction of streets.

Eminent domain.

Fires and conflagrations.

Nuisance, contagious diseases.

Police.

Licenses.

Gambling and sale of liquors.

sale of fermented or malt liquors, wine, cider, bounce and intoxicants of all kinds; to prohibit or control firing of fire-arms and fire-works and explosives of every description, and to govern the sale of such fire-arms and fire-works; to control the manner of arranging stove flues and pipes in buildings; to prohibit or prescribe the manner of keeping hogs and goats in the town; to prescribe the manner in which dogs shall be kept; to limit the speed at which horses and other animals may be driven through the streets, or at which railroad trains shall be run through the town; to prohibit railroads from stopping their engines or cars on street crossings, and to require railroad companies to keep the crossings in good repair; to cause all street lots, cellars, privies, stables and places of like character to be examined by the Constable or other officer appointed for that purpose, and to cause by their order the said officer to have said place cleansed and the nuisance abated—the same shall be cleansed and the nuisance abated at the expense of the owner or occupant thereof; and the Constable or officer having that duty in charge shall be empowered to visit and inspect any and all premises in the town, and to have the same cleansed, and the expense of the cleansing of such places and removing the nuisance shall be recovered from the owner or occupant thereof by action in any court having jurisdiction.

Hogs and goats in city limits.

General police powers.

Fines and forfeitures for breach of by-laws and ordinances.

License tax.

Shade trees.

Passenger on and for trains.

Sec. 17. The Commissioners shall have the power to impose and levy appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances of the town; to levy and collect taxes on all real and personal property taxable in town; to levy and collect license taxes on all trades, privileges, callings, professions and occupations not specifically exempt from taxation by towns, and to prohibit the carrying on within the town or within one mile thereof of all trades and occupations which shall be a nuisance, and to abate such nuisances and to cause their removal. They may also protect and control the shade trees planted and growing on the streets, or which may hereafter be planted and growing on any public street, alley or public grounds in said town; to prohibit the jumping on or off of moving trains in the town on the part of those not operating the same and not holding a ticket nor boarding the same with the intention of presenting a ticket or paying a regular passenger fare thereon at least to the nearest station out of town.

All powers conferred on other towns granted commissioners.

Sec. 18. All privileges, powers and benefits conferred upon the Commissioners of other towns in the State under the general laws for government of towns and cities are hereby conferred upon the town of Ahoskie.

Present ordinances violated.

Sec. 19. All ordinances, rules and by-laws lawfully in force at the passage of this act shall remain in force until regularly re-

pealed, and the officers now acting shall continue to serve until their successors are elected and qualified. Present officers to continue.

Sec. 20. The Commissioners shall be empowered to take such measures as they may deem necessary and effectual to prevent the entrance into the town of any contagious or infectious diseases; may stop and detain and examine for that purpose any conveyance or vehicle, public or private, or any passenger coming from places believed to be infected; and if necessary detain or turn back suspected persons from such infected districts. They may regulate and establish hospitals and pest-houses, may cause any person in the town suspected to be infected with the disease, and whose stay may endanger health, to be removed to such hospital or pest-house, and may remove from the town or destroy any furniture or other articles which may be suspected of being tainted with contagious or infectious diseases, and the town, or any person acting for it, shall not be liable for loss incurred by such destructions. In order to guard against the introduction or spread of small-pox in the town the Commissioners may require all persons whose physical condition will permit it to be forthwith vaccinated, if not already sufficiently vaccinated. Contagious diseases, quarantine. Powers to prevent and treat diseases. Compulsory vaccination.

Sec. 21. The Commissioners may enlarge, extend or close up streets, or open new streets, and may condemn land for that purpose upon making reasonable compensation for the same. In case of disagreement of the town and the party interested, it shall be lawful to proceed to use the same and to appoint two freeholders, resident of the town, who shall arbitrate the same, one to be appointed by the town, the other to be appointed by the owner or his agent, and if the owner fails or refuses to make such appointment after five days' notice personally, if he be a resident, or ten days' notice by mail, if he be a non-resident, the Commissioners shall provide for such appointment, and the two appointed shall select a third person, resident freeholder, who shall act with them, and after being duly sworn shall view the premises, and considering the loss to the owner and the consequent improvement to his remaining property, shall determine his net loss, if any, and assess the same, and the town shall pay the same: *Provided*, that either party may appeal to the Superior Court, but the appeal shall not obstruct proceedings of the Commissioners. General powers in regard to streets. Eminent domain. Damages, method of assessing same. Appeal to Superior Court.

Sec. 22. That the Commissioners shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of the town; and the Commissioners shall have authority by their ordinances to control and manage such persons until the said fines, penalties or forfeitures, together with the Convicts for violation of ordinances to work streets.

costs thereof, shall be fully paid and satisfied under such rate of labor and board as the Commissioners may adopt.

Parents liable for penalties imposed on minors.

Sec. 23. That all penalties incurred by any minor for the breach of any ordinance in the provisions of this act may be recovered from his parent, guardian or master (if the minor be an apprentice) of such minor.

Commissioners to levy tax.

Sec. 24. That the Commissioners shall have power, not oftener than once a year, to impose, levy and collect a tax upon all real and personal property within the corporate limits of the town and upon all polls and other subjects of taxation taxed by the General Assembly for public purposes, not exceeding 50 cents on one hundred dollars valuation of property, $1.50 on each poll, and the constitutional equation between property and poll shall always be observed.

Amount, property and poll.

Mayor to procure list of assessments from register of deeds.

Sec. 25. That the Mayor or other person, by direction of the Commissioners, shall procure from the Register of Deeds of Hertford County a true copy of list of assessments of the value of property, real and personal, which have been returned to him and upon which town taxes can be levied under this act, situated within the town of Ahoskie, and such other records pertaining to matters taxable by the town as may be kept in his office. The Board of Commissioners shall have all the power given to the county of Hertford pertaining to the revision of the tax list, except the power to alter the valuation of real estate: *Provided,* that when any piece of real estate is situated partly within and partly without the town, and the same has not been valued as to that within and that without the town separately the Commissioners of said town shall have the said real estate so situated valued on the town list, so that only the part situated within the town shall be subject to town tax.

Valuation of real estate.

Proviso.

Property situate partly in and partly out of city, how assessed.

Taxes, when to be listed.

Sec. 26. That the citizens of said town and others liable to pay taxes under this act shall, on the day prescribed by law for listing State and county taxes, under oath to the Mayor or other person designated by the Commissioners who shall be tax lister for the town, and for that purpose shall be empowered to administer oaths, a list of such property taxable under this act and which is liable for town tax, under all the rules and penalties prescribed for listing State and county taxes; and if any person shall fail to render such list within the time prescribed by law for listing State and county taxes, he shall pay double the tax assessed on any article for which he is liable to be taxed under this act.

Failure to make return.

Penalty.

Commissioners to revise tax-list, when.

Sec. 27. That the tax lister shall make out said tax list, and not later than the regular meeting of the Commissioners in September of each year the Commissioners shall revise the same and place the list in the hands of the Tax Collector, who shall proceed with the collection of the taxes on said list and complete the same by the

Collection of taxes, when.

first day of December following: *Provided*, the Commissioners may extend the time for such completion of collection to date not later than June first next following, and the Tax Collector shall pay over all money collected to Treasurer the last of each month. Proviso, collection may be extended. Tax collector to settle monthly.

Sec. 28. The Tax Collector shall, if any person fails to pay taxes within the time prescribed for collection, proceed to collect the same forthwith by distress and sale, after public advertisement for ten days at three public places in the town, if the property be personal property. That when the tax due on any lot or other real estate is not paid by 1st of December, or the time prescribed by Commissioners for completing the collection of taxes, the Tax Collector shall proceed to collect the same by distress and sale of personal property belonging to owner of said lot, if enough of personal property can be found, and if enough of personal property cannot be found the Tax Collector shall report the same to Commissioners, together with a description of the lot or real estate, and thereupon they shall direct the same to be sold, after due advertisement of 30 days at three public places by the Collector: *Provided*, the Collector shall give owner personal notice of such advertisement of sale, if he be a resident, and if a non-resident must mail notice, if his place of residence be known. In default of payment of taxes by the hour and day of sale the Collector shall sell same for cash to the highest bidder, and if no person will bid enough to pay the taxes and penalties and expenses, the Collector shall bid for the town the amount of said taxes, penalties and expenses, and no higher bid being offered, the same shall be struck off to the town, if not redeemed as hereinafter provided, shall belong to the town absolutely. The Collector shall report to the Commissioners a statement of his proceedings, specifying the purchase and price, which shall be entered upon the book of the proceedings of the Commissioners, and if there be a surplus after paying the taxes and expenses, the same shall be paid into the town treasury, subject to the demand of the owner. Failure to pay tax. Collection by distress, method. Real and personal property. Sale of real estate for taxes. Collector to report to commissioners upon sale.

Sec. 29. That the owner of any lot, real estate or interest in real estate, sold under the provisions of this act, his heirs, executors, administrators, or any person acting for them, may redeem the same within one year from the date of sale by paying to the purchaser the amount by him paid, and 25 per cent. addition thereto. That if the lot, real estate, interest in real estate sold as aforesaid, shall not be redeemed within the time specified, the Collector or his successor, under direction of the Mayor of the town, shall convey the same to the purchaser in fee-simple or to his assigns in fee. Real property sold to be redeemed, how and when. Unredeemed land to be conveyed in fee.

Sec. 30. That this act shall be in force from and after its ratification: *Provided*, that all laws heretofore constituting the charter of the town of Ahoskie and affecting the government thereof are When effective. Prior laws affecting town validated.

continued in full force and effect, unless in direct conflict with the provisions of this act.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

CHAPTER 159.

AN ACT TO INCORPORATE THE PEOPLES MUTUAL ACCIDENT AND SICK BENEFIT COMPANY.

The General Assembly of North Carolina do enact:

Incorporators. SECTION 1. That Paul Chatham, R. J. Thurmond, Jr., J. H. Harrill and Jas. A. Bell, and their associates, successors and assigns, be and the same are hereby created a body corporate, to be known Corporate name. as "The Peoples Mutual Accident and Sick Benefit Company," and Powers. as such shall have all the rights and privileges of a body corporate and politic under the laws of the State of North Carolina; When to commence business. but said association shall not be licensed to do business until they have obtained applications from at least three hundred *bona fide* applicants.

Purpose of incorporation. SEC. 2. The purposes for which the company is formed are to mutually indemnify its members in the event of accident or sickness upon such terms and upon such conditions as may be fixed by the by-laws of said corporation.

Power to make by-laws. SEC. 3. That said corporation may make by-laws fixing the number, and defining the powers and duties of its officers and directors, and may make such rules and regulations for the conduct of its business as are not in conflict with the laws of this State.

Power to create branch or subdivisions. SEC. 4. The company shall have the power to create and organize sub or local divisions in any town, city or county in this or any other State in the United States, and such local divisions shall be governed by such rules and by-laws as may be prescribed by this Proviso, number of members required for subdivisions. company: *Provided*, that no local or subdivision shall be run with less than three hundred members.

Principal office, where located. SEC. 5. That the principal office of the company shall be located in the city of Charlotte, in the State of North Carolina, and the Branch offices. company shall have the power to establish branch offices in any city or town in this or other States.

License tax. SEC. 6. That the company shall be subject to the same license fee for doing business in this State as is required of other like companies doing business in the State.

SEC. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

Chapter 160.

AN ACT TO AUTHORIZE THE TOWN OF OXFORD TO REFUND ITS BONDED INDEBTEDNESS.

Whereas, by virtue of the Laws of 1885, chapter 116, and the Laws of 1887, chapters 3 and 148, the Board of Commissioners of the town of Oxford, upon a vote of the majority of the qualified voters of said town to aid in the construction of the Oxford and Clarksville Railroad, issued the coupon bonds of said town to the amount of forty thousand ($40,000) dollars, payable in thirty years, with interest at six per centum, payable semi-annually; and

Preamble.

Chapter 116, laws 1885, chapters 3 and 148, laws 1887.

Oxford issued railroad bonds.

Whereas, the said Board of Commissioners of the town of Oxford, in order to build a market house and town hall (called the Opera House), by virtue of chapter 21 of the Private Laws of 1885, did issue coupon bonds of said town to the amount of ten thousand ($10,000) dollars, with interest at seven per centum, payable semi-annually; and

Bonds for town hall.

Whereas, the Board of Commissioners have paid off three thousand dollars of said bonds, issued to erect said market house and town hall, and the holders of the remainder of said bonds agreed several years ago to reduce and did reduce the interest on said bonds to six per cent. per annum; and

$3,000 of town hall bonds paid off, interest reduced.

Whereas, the citizens and tax payers of said town desire to refund all of the bonded indebtedness of said town, which amounts now to forty-seven thousand dollars, at a lower rate of interest, and to provide a sinking fund to meet the principal when due: Now, therefore,

To refund debt.

Sinking fund.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of paying off the present bonded indebtedness of the town of Oxford the Board of Commissioners of Oxford be and it is hereby authorized and empowered to issue coupon bonds, bearing interest, payable annually, at a rate not exceeding five per centum, to an amount not exceeding forty-seven thousand dollars, in denominations not less than five hundred dollars nor more than one thousand dollars, to be made payable not more than thirty years from date of issue, with a provision therein inserted that the said bonds may be paid or redeemed within a time not less than ten years from the date of their execution, at the option of the town. This period may be lengthened or shortened by the Board of Commissioners, or the provisions be omitted from the bonds, as the board may determine. Said bonds shall be signed by the Mayor of the town, countersigned by the Treasurer and sealed with the corporate seal of the town, and the coupons on said bonds shall bear the engraved or lithographed signature of the

Commissioners to issue bonds.

Amount, interest, denominations.

When due.

How executed.

Town Treasurer, and shall be made payable, both principal and interest, at such place or places as the board may determine. The

How sold. said bonds shall be sold at public or private sale, with or without notice, as the Board of Commissioners of the town may deter-

At par value. mine, for not less than their par value and accrued interest, and

Proceeds, how applied. the proceeds of said bonds, including any premium received upon their sale, shall be applied to the payment of the railroad and market house bonds of the town of Oxford now outstanding, and after paying the necessary expenses any surplus shall be turned into the general treasury, and the purchaser of said bonds shall not be bound to see to the application of the purchase money.

Meeting of commissioners at which bond resolution passes. Sec. 2. The resolution authorizing the issue of the bonds may be introduced and passed at the same meeting, which meeting may be either a regular or special meeting of the Board of Commissioners, by a majority vote of all the Commissioners. That no further or other proceeding shall be necessary for the issuance of such funding bonds, and all bonds issued in accordance with the pro-

Bonds, when valid. visions of this act shall be valid and legally binding obligations of the town of Oxford, and all laws and parts of laws inconsistent with this act are hereby repealed, so far as the same are inconsistent with this act.

Redeemed bonds destroyed, by whom. Sec. 3. That it shall be the duty of the Mayor, a member of the Board of Commissioners appointed by the board, and the Clerk and Treasurer, to destroy said railroad and market and opera house

Record to be kept. bonds as they are redeemed, and the Clerk and Treasurer shall make a record of all bonds so destroyed and of the bonds issued under this act.

To levy tax to pay interest. Sec. 4. That the Board of Commissioners of the town of Oxford are hereby authorized, required and directed to levy and collect, in addition to all other taxes in the town, a tax upon all the taxable property and polls in said town of Oxford, sufficient to pay the interest on said bonds as the same may become due, and also on or before the time when the principal of said bonds shall become

Special tax for sinking fund, when to be levied. due to levy and collect a further special tax to pay for same or to provide a sinking fund for the payment thereof, said levy for sinking fund shall begin ten years from the date of issuing said

Tax, nature of. bonds. The said tax so levied shall be an *ad valorem* tax in the proportion required by the Constitution of North Carolina, and shall be levied and collected at the same time as other taxes upon the property and polls of the town.

Sec. 5. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 161.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following territory lying and being in Alamance County, North Carolina, in Township Patterson, and more particularly described as follows: Beginning at a stone in Randolph County line, thence east with the old Alamance and Chatham line, to Patterson and Coble Mill tract; thence south to a stone, corner in George Coble's line; thence east to a black-oak, Patterson and Coble, and James Eulie's and Frank Albright's corner; thence north to a stone in Eulie's line, Patterson and Coble and Pickett's corner; thence north with Pickett's line to stone, Pickett's and Fogleman's corner; thence west to Hornady and Fogleman's corner; thence north with Hornady and Fogleman's line to stone in Pickett's line; thence east with Fogleman's and Pickett's line to cross roads; thence north with public road to corner in Hornady's line; thence east to Hornady's corner; thence north to corner in widow Mary McPherson's line; thence west with Hornady's line to old Fayetteville Road; thence north with Fayetteville Road to Eli Alexander's line; thence west with Allen and Alexander's line to stone, Allen's and Alexander's corner; thence south to a stone, John Alexander and Missouri Lineberry's corner; thence west with J. Alexander and M. Lineberry's line to a stone in Elizabeth Foster's line; thence south with Foster and Alexander's line to stone, Dr. Foster's corner; thence west with Dr. Foster's line to Dr. Foster and Daniel Lineberry's corner; thence north to Martin Kimery and Marion Sullivan's corner; thence west to M. Kimery and M. Sullivan's corner; thence west with W. G. Spoon's line to corner in Mount Zion Church line; thence south with Church line to stone in Samuel Spoon's line; thence west with S. Spoon and Church line to M. A. Lineberry's line; thence south to S. A. Alexander and M. Lineberry's corner; thence west with Alexander and Lineberry's line to Guilford County line; thence north with Alamance County line to beginning, is hereby created one school district and named "Oakdale." Graded school district, Alamance county. Boundaries, description of. Name of district.

Sec. 2. That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: S. L. Spoon and J. E. Stroud for one year, and John R. Adams and John R. Anderson for two years, and O. N. Hornady and John H. Coble for three years; and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said board, whether arising from School trustees, vacancies. Personnel, tenure. Vacancies.

death, resignation, removal, expiration of the term of office or otherwise, shall be filled by the remaining trustees, and a majority thereof shall have the power of selection, and the persons so selected shall hold for three years from the date of their selection.

Trustees to submit question of establishing graded school to voters, when.

Notice of election.

Sec. 3. That said board of trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by a notice thereof, published in some newspaper published in Alamance County, and by notices posted at four public places in said district. The said board of trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two poll holders to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers; and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county officers; the said election shall be held at the school-house for the white race in said territory.

Registrar and poll-holders.

Election, how held.

Ballots.

Result, how declared.

If majority favor schools.

Commissioners, special tax.

Amount, property and poll.

How collected.

Compensation of sheriff.

Sec. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school it shall be the duty of the Board of County Commissioners of Alamance County to levy annually a special tax of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district and upon the poll not less than ninety cents and not more than one dollar; and the said tax so levied shall be collected by the Sheriff of Alamance County and shall be by him turned over to the treasurer of the said school trustees, and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent. commissions one way.

Other revenue, public school funds.

How applied.

Sec. 5. That all moneys coming to the said district above described for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the board of trustees above created and appointed, and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

Duty of trustees, successors.

Charge of schools.

Treasurer, duty of.

Sec. 6. The said school trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper, and they shall elect a treasurer, who shall have

charge of all moneys to be used for school purposes and who shall pay the same out on such vouchers as they shall direct and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all moneys coming to their hands from any and all of the sources above named, and any other source that shall be paid, bequeathed or devised them for the exclusive benefit of the schools in said territory for the benefit of said schools. Donations to school.

Sec. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do, upon such terms as shall be fixed by said trustees. Teachers and officers. Compensation. School property. Tuition fees.

Sec. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors. School property, how used and controlled.

Sec. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within three miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the court. Unlawful to sell liquor within three miles. Penalty.

Sec. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed. Repealing clause.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 162.

AN ACT AUTHORIZING THE TOWN COMMISSIONERS OF PINE BLUFF, MOORE COUNTY, N. C., TO PROVIDE NECESSARY FUNDS FOR ADVERTISING THE TOWN AS A DESIRABLE WINTER RESORT.

The General Assembly of North Carolina do enact:

Commissioners to levy special tax, purpose.

Section 1. To provide a special fund for advertising the advantages of Pine Bluff, Moore County, N. C., as a desirable winter resort, the Commissioners of said town are hereby authorized and directed to levy and collect a special tax as follows, to-wit:

Subject of taxation, real and personal property.

(1) On all real and personal property within the corporate limits of said town of Pine Bluff, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the General Assembly *ad valorem* tax not exceeding five cents on every one hundred dollars valuation.

Polls.

(2) On all taxable polls, a tax not exceeding fifteen cents on each poll who may be residents in the town on the first day of June of each year.

Merchants' tax.

(3) On every dollar valuation of goods, wares and merchandise purchased for resale by any merchant trading in the town for each six months from the first day of January and July in each year, for the privilege of carrying on said business the sum of two cents.

Houses of entertainment.

(4) On incomes of hotels, boarding-houses, apartment houses and private homes taking boarders, renting rooms or houses, five per cent. of all gross receipts.

Transportation business.

(5) On incomes from livery stables, hack drivers, express teamsters and all other public carriers who haul or transport for a profit or consideration, five per cent. of all gross receipts.

Avocations and pleasures.

(6) On doctors, lawyers, dentists, nurses, including those giving massage or any special treatment or service, laundries, laundry workers, coal and wood dealers, butchers, dairymen, hucksters and fresh meat dealers, bakers, barbers, boot-blacks, newsdealers, shows, lectures and entertainments of any kind for profit, billiard tables and games of all kinds, five per cent. of all gross receipts.

Income tax, exemption.

Liability of employer.

(7) On incomes earned within the corporate limits of the town, two per cent. thereof, where incomes exceed one dollar a day. The employer of any person may be held liable for income taxes of employees, if a written notice is served on him that he or she is liable for a tax due by those whom they employ to the extent due from said employer to said employee.

Dealers in real estate.

(8) On all real estate dealers selling or buying real estate in said town for profit, ten per cent. on all gross sales of lands or real estate situated in said town.

The taxes above imposed, other than the *ad valorem* tax set forth, shall be imposed as a license for the privilege of carrying on the business or doing the act named, and nothing in this act contained shall be construed to relieve any person or corporation from the payment of the *ad valorem* tax on account of additional privilege taxes herein imposed. Every person liable for the payment of the said privilege tax shall make return of the same, under oath to the said Commissioners of the town of Pine Bluff, on or before the 15th day of January and the 15th day of July of each year, and the said Commissioners shall record same in a book to be kept for said purpose, and certify a copy thereof, together with taxes levied by them for said purpose, to the Tax Collector of said town, who shall be fully authorized to collect said taxes named therein, and shall have all the power and authority so to do conferred upon him to collect the regular *ad valorem* taxes of said town.

Deemed a license tax.

To make return, when.

Record.

By whom collected.

Sec. 2. Said taxes herein provided for shall be levied and collected annually by the Board of Commissioners of Pine Bluff in the same manner and under the same penalties that other taxes of said town are levied and collected, except the privilege taxes as aforesaid, which shall be levied and collected as hereinbefore provided.

How collected.

Sec. 3. If any person shall carry on any business or trade upon which a privilege tax is levied by this act without first paying said tax as provided for and receiving a license so to do by the Board of Commissioners of said town, he shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty for not paying tax.

Sec. 4. The special tax enumerated in this act and collected under its provision from year to year are to be used only for advertising the town of Pine Bluff, N. C., as a winter resort, and it shall be a misdemeanor for Commissioners of Pine Bluff, or any person expending the money under their direction, to use it for any other purpose than that for which it was collected, and the Town Commissioners, or any person expending the money contrary to this act, shall be guilty of a misdemeanor, and upon conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Tax fund, how used.

Penalty for diverting fund.

Sec. 5. The Town Commissioners shall cause the Treasurer of the town to make and post an itemized report annually on the last day of April, or if the last day of April falls on Sunday, the preceding day. The report shall show an itemized account of money received and expended for the advertising fund, and the Treasurer shall have a "report book" in which shall be kept the annual reports, which book can be examined in the Treasurer's office upon application by any tax payer of Pine Bluff, and the Treasurer may be required to show vouchers and receipts for money expended. Six duplicate itemized lists shall be posted on the date named, at the courthouse in Carthage, N. C., four in public places in the town of Pine

Treasurer to make and post itemized report.

What to show.

Where report to be posted.

Bluff and one to be kept conspicuously posted in the Treasurer's office for one year and two weeks following the last day of each April, and the failure to comply with this provision shall be deemed a misdemeanor, and upon conviction the Commissioners and Treasurer shall each pay a fine of not exceeding fifty dollars.

Failure to comply with this act.

Question to be submitted to voters before levy.

Sec. 6. That before the levying of the taxes hereinbefore authorized in this act the Commissioners of said town of Pine Bluff shall submit said question to a vote of the qualified voters of the town of Pine Bluff, at an election to be held in said town on a day to be designated by the Board of Commissioners, at any time after ten days from and after the ratification of this act, and after a public notice of thirty days preceding the election, of the time and places when the election shall be held, which notice shall contain a copy of sections 1 and 2 of this act, or a synopsis of the same, and shall be published in two or more newspapers published in the county of Moore. Said election shall be held and returns thereof made under the same rules and regulations as exist in case of elections of Commissioners of the town. Those qualified voters approving of the special taxes and license tax provided for in sections 1 and 2, and the levy and collection of the particular taxes provided for in section 2 of this act, shall deposit in a ballot box a ticket or ballot upon which shall be printed the word "Approved," and those disapproving the same shall deposit a like ballot upon which shall be printed the words "Disapproved." If a majority of such voters shall vote "Approved," it shall be deemed and held that a majority of the qualified voters of the town of Pine Bluff are in favor of giving the Commissioners authority to levy the special taxes and license authorized by sections 1 and 2 of this act, and to collect said taxes so authorized in this act. But if a majority shall vote "Disapproved," then the Board of Commissioners shall not have such authority: *Provided*, that if at any election held under this section a majority of the qualified voters shall vote "Disapproved" on the proposition under sections 1 and 2 it shall not prevent the Board of Commissioners of said town from ordering another election under this section at any time after the lapse of four months from the date of such election at which the qualified voters may have voted "Disapproved," And if at such other election a majority of the qualified voters shall vote "Approved," it shall have the same force and effect as if no election had been previously held; but if they shall again vote "Disapproved," a third election may be held after a lapse of five months from the date of the second election at which the qualified voters may have voted "Disapproved," and if at such other election a majority of the qualified voters shall vote "Approved," it shall have the same force and effect as if no election had been previously held. But if they shall again vote "Disapproved," a third election may be held after a lapse of five months

Notice of election.

Election, how held.

Ballots.

If majority "approve."

If majority "disapprove."

Subsequent election.

from the date of the second election at which qualified voters may have voted "Disapproved," and if at such election a majority of the qualified voters shall vote "Approved," it shall have the same force and effect as if no election had been previously held. And if they shall again vote "Disapproved," a fourth election may be held after a lapse of six months from date of third election, and if at such election the majority of the voters shall vote "Approved," it shall have the same force and effect as if no election had been previously held. And if at any one of the said elections aforesaid provided for a majority of the qualified electors of said town shall vote "Approved," the said Board of Commissioners of said town of Pine Bluff shall have authority and it shall be their duty to levy and collect the special taxes herein authorized and provided for.

Subsequent elections.

Sec. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 163.

AN ACT TO INCORPORATE ASHEVILLE LODGE, No. 608, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA.

Whereas, Asheville Lodge, No. 608, Benevolent and Protective Order of Elks of the United States of America is a charitable institution whose cardinal principles are founded upon charity, justice, brotherly love and fidelity; and whereas it is deemed advantageous in the transaction of business and for the protection of its noble work in demonstrating the brotherhood of man that said lodge shall be incorporated:

Preamble.

Objects and reason for incorporation.

The General Assembly of North Carolina do enact:

Section 1. That Louis M. Bourne, Harry W. Plummer, Duff Merrick, Eugene B. Glenn, A. W. Calloway, Phillip C. Cocke, Harvey M. Dickson, R. S. Smith, S. Westray Battle, Marcus Erwin, Haywood Parker, Thos. P. Cheesborough, Chas. S. Jordan, Paul Paquin and their associates, now members in good standing of Asheville Lodge, No. 608, Benevolent and Protective Order of Elks of the United States of America, together with their successors in said lodge, are hereby created and made a body politic and corporate by

Incorporators.

Incorporated.

Corporate name. the name of "Asheville Lodge, No. 608, Benevolent and Protective Order of Elks of the United States of America," and under that name and style shall sue and be sued, implead and be impleaded in any court or elsewhere; to have a common seal, which may be altered at their pleasure; to elect, according to the laws of the order, all necessary officers, and subject to said laws to fix their compensation and define their duties and obligations; and to make by-laws and regulations, consistent with the laws of the State and of the Order of Elks, for their own government and for the due and orderly conducting of their affairs and the management of their property; and said corporation shall have all other rights and privileges incident to and belonging to like corporations under the laws of the State of North Carolina.

Powers and privileges.

Officers, compensation.

By-laws.

General powers.

Acquisition of property. Sec. 2. That said corporation may, by purchase, devise, gift, bequest, or in any other lawful way, take, acquire, hold and own such real estate and personal property and such other property of all kinds as may be deemed by its members necessary, useful and expedient or in any way conducive to the promotion of the principles, purposes or objects of said lodge or of the Order of Elks, and to the comfort, pleasure, happiness or convenience of its members, and may sell, transfer, mortgage, pledge or convey the same, or any part thereof, at pleasure; and all property so held by said corporation, of every kind and description, whether now owned or hereafter acquired, shall forever be exempt from any State, town, city or county charge or tax whatever.

Promotion of order.

Non-liability of members. Sec. 3. That the members of this corporation shall not be individually liable for any of its debts, obligations or liabilities of any kind or nature.

Right to secure loans. Sec. 4. That this corporation shall have power to borrow money and mortgage or pledge its property, or any part thereof, to secure the payment, upon such terms as may seem to it just, advantageous or expedient.

Sec. 5. That this act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 164.

AN ACT TO INCORPORATE THE TOWN OF PINETOPS, EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Pinetops, in the county of Edgecombe, be and the same is hereby incorporated by the name and style of the "Town of Pinetops," and shall be subject to all the provisions of law of chapter 62, The Code, or existing laws in reference to incorporated towns. Pinetops, Edgecombe county, incorporated. Chapter 62 of Code, existing laws applicable.

Sec. 2. That the corporate limits of said town shall extend 400 yards from the north-east corner of the square 2 at the intersection of First and Hamlet Streets down the tracks of the East Carolina Railway, thence east 300 yards; thence south parallel to said railway track 800 yards; thence west 600 yards; thence north 800 yards, parallel to said railway track; thence east 300 yards to railway track. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a Mayor and five Commissioners and a Marshal, and the following persons shall be Commissioners to the seventh day of May, 1904, viz.: W. L. Dunn, W. E. Philips, Riley Philips, B. S. Gardner and Albert Harrell. Officers, when elected. Temporary officers.

Sec. 4. There shall be an election held for the officers mentioned in this act on the first Monday in May, 1904, and each succeeding year thereafter, under the same laws and restrictions that State and county elections are held. And all legal voters within said corporation who have resided in the State twelve months and within the corporate limits ninety days previous to the day of election shall be entitled to vote at said election. Elections. How held. Qualifications of voters.

Sec. 5. That said Commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State or United States, and shall have power to levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of property, real and personal, to impose fines and penalties and collect same. They shall also have power to appoint a Clerk, Treasurer or other officers, if they deem it necessary, and shall fix the pay of the officers of said town. Powers of commissioners. By-laws, taxation. Town officers.

Sec. 6. That this act shall be in force from and after June, 1903.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 165.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE AND ORANGE COUNTIES.

The General Assembly of North Carolina do enact:

Graded school district established.

Boundaries.

Name.

Trustees.

Temporary trustees, personnel.

Vacancies.

Tenure.

Trustees to submit establishment of district to voters.

Notice of election.

Registrar and poll-holders.

Election, how held.

Section 1. That the following territory lying and being partly in Alamance and partly in Orange County, North Carolina, and more particularly described as follows: Beginning on railroad, two miles west of depot, thence north to Hillsboro Road; thence east with said road to Mill Creek; thence to McCown's Creek to W. B. York's Spring; thence up the branch to T. M. Cheek's line; thence south to railroad, two miles east of the depot; thence with line of T. M. Cheek and George W. Tate to creek above G. W. Tate's Mill-pond; thence down said creek to Henry A. Wilson's and Eli Sharp's corner; thence westerly to house of A. A. Thompson (deceased); thence due west to a point due south from the point of beginning; thence to beginning, is hereby created one school district and named "Mebane."

Sec. 2. That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: A. M. Cook and C. D. Vincent for one year; and S. A. White and H. O. Job for two years; and T. M. Cheek and H. A. Basin for three years; and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of the term of office or otherwise, shall be filled by the remaining trustees, and a majority shall have the power of selection, and the persons so selected shall hold for three [years] from the date of their selection.

Sec. 3. That the said board of trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by a notice thereof published in some newspaper published in each of the said counties and by notices posted at four public places in said district. The said board of trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two poll holders, to hold said election, and these three shall hold said election and shall be governed in their act in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers, and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets

on which shall be written or printed the words "For Graded Schools," or "Against Graded Schools," and the result of the election shall be declared by the same rules that govern the election of county officers, and the parties holding said election shall certify the result thereof to both the Commissioners of Alamance and Orange counties. The said election shall be held at the school-house for the white race in said territory. Ballots. Result, how certified.

Sec. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of Commissioners of each of the above named counties to levy annually a special tax of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district, and upon the poll not less than ninety cents and not more than one dollar, and the tax so levied on the residents of said district shall be collected by the Sheriff of the county in which they reside, and the said Sheriff shall pay the amount so collected direct to the treasurer of said Board of School Trustees and shall receive for their compensation for the collection and disbursement of this special tax five per cent. commissions one way. These taxes shall be collected at the same time and in the same manner as are other taxes. If majority in favor of schools. Commissioners to levy tax. Amount, property and poll. Collection of taxes.

Sec. 5. That all moneys coming to the said district above described for school purposes from the State and from the counties above mentioned, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the Board of Trustees above created and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to. Tax fund, how applied.

Sec. 6. The said School Trustees above named and their duly constituted successors shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper. And they shall select a treasurer who shall have charge of all moneys to be used for school purposes, and who shall pay the same out on such vouchers as they shall direct and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all money coming to their hands from all the sources above named and from any other source that shall be paid, bequeathed or devised them for the schools in this territory for the benefit of said schools. Trustees to have exclusive charge. Treasurer, duty of. Money, how expended.

Sec. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold real property and personal property necessary for the use of said schools, and they shall have the right and power to do any and all things necessary Teachers and officers. School property.

Tuition fees.

for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do upon such terms as shall be fixed by said trustees.

School property, how vested.

Sec. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors.

Unlawful to sell or manufacture liquor within four miles.

Sec. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within four miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor and punished by fine or imprisonment at the discretion of the court.

Penalty.

Repealing clause.

Sec. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 11. That this act shall be in force from its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 166.

AN ACT TO AMEND THE CHARTER OF THE DURHAM AND CHARLOTTE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Chapter 158 Private Laws 1893, amended.

Section 1. That section 2 of chapter one hundred and fifty-eight (158), Private Laws of North Carolina, session 1893, entitled "An act to incorporate the Durham and Charlotte Railroad Company," ratified the 2d day of March, 1893, be and the same is hereby amended by adding thereto the following, at the end of said section, to-wit:

Power to construct branch road, where.

"And the said railroad company may construct and operate a branch railroad from any point on its main line in the county of Chatham, through the counties of Chatham, Alamance and Guilford to the city of Greensboro in said county of Guilford; and to enable said company to construct and operate said branch line of its said railroad, said company shall have all the rights, powers and privileges granted to it with respect to its main line and branches under its aforesaid original charter."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 167.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following territory lying and being in Alamance County, North Carolina, in Township Morton's, and more particularly described as follows: Beginning on Haw river at a point south of W. S. Kernodle's, thence east to the McKiel house; thence due north to the Caswell line; thence west with said line to the Guilford County line, thence south with said line to Haw river, thence with said river to the beginning, is hereby created one school district and named "Oakwood." Graded school district established. Boundaries. Name.

Sec. 2. That the following parties are hereby appointed school trustees for the schools in said district and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: Thomas Gwyn and Walter Garrison for one year, and James M. Kernodle and George Faucett for two years, and Joseph H. Gilliam for three years, and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said Board, whether arising from death, resignation, removal, expiration of the term of office or otherwise, shall be filled by the remaining trustees, and a majority thereof shall have the power of selection and the person so selected shall hold for three years from the date of their selection. School trustees. Temporary trustees, personnel. Vacancies. Tenure.

Sec. 3. That said Board of Trustees shall on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by a notice thereof published in some newspaper published in Alamance County and by notices posted at four public places in said district. The said Board of Trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two poll holders to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers; and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing tickets on which shall be written or printed the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county officers. Said election shall be held at the school-house in said territory. Trustees to submit establishment of district to voters, when. Notice of election. Registrars and pollholders. Election, how held. Ballots.

Sec. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall If majority favor schools.

Commissioners to levy special tax. Amount, property and poll.

be the duty of the Board of County Commissioners of Alamance County to levy annually a special tax of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district, and upon the poll not less than ninety cents and not more than one dollar; and the said tax so levied shall be collected by the Sheriff of Alamance County and shall be by him turned over to the treasurer of the said School Trustees, and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent. commission one way.

How and by whom collected.

Public school money, how applied.

Sec. 5. That all moneys coming to the said district above described for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the Board of Trustees above created and appointed, and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

Trustees to have exclusive control of school property.

Sec. 6. The said School Trustees above named and their duly constituted successors shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper, and they shall select a treasurer who shall have charge of all moneys to be used for school purposes and who shall pay the same out on such voucher as they shall direct, and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all moneys coming to their hands from any and all of the sources above named, and any other source that shall be paid, bequeathed or devised them for the exclusive benefit of the schools in said territory, for the benefit of said schools.

Treasurer to be appointed.

Funds, how expended.

Teachers and officers.

Sec. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do upon such terms as shall be fixed by said trustees.

Right to buy and take property.

Tuition fees.

School property.

Sec. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors.

Unlawful to sell or manufacture within three miles.

Sec. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt

liquor within three miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the Court.

Sec. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed: Repealing clause.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 168.

AN ACT TO ESTABLISH A GRADED SCHOOL DISTRICT AT HOPE MILLS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That all the territory lying within the corporate limits of the town of Hope Mills, and all that portion of Cumberland County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Including the present public school districts, Nos. 1, 2 and 7, and also the territory adjoining said districts Nos. 1 and 2, beginning at the line of district No. 1 at Big Rockfish Creek and running thence with said creek to the mouth of Gillis Branch and up said branch, the said branch being the line, to William McMillan's line; thence with William McMillan's line to J. A. McDonald's corner; thence with J. A. McDonald's line to D. W. Biggs' line; thence with D. W. Biggs' line to the Lumberton road, thence with the Lumberton road toward Fayetteville, N. C., to Jas. H. Johnson's line, thence with Jas. H. Johnson's line on the east to Francis Berckman's line on the east, thence with Francis Berckman's line to Dr. J. W. McNeill's line, thence with Dr. J. W. McNeill's line on the east to Big Rockfish Creek, thence up Big Rockfish Creek to the line of said district, No. 2, shall be, and are hereby constituted a public school district for white and colored children, to be known as "The Hope Mills Graded School District." Graded school district established. Boundaries. Description.

Sec. 2. That, for the purpose and benefits of this act, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Hope Mills, shall be and are hereby extended to that portion of said graded school district, lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits; and that in all events Law applicable to territory lying without town limits.

which shall be held under this act, that portion of graded school district lying without said corporate limits shall be deemed territory of said town.

Trustees to issue bonds.

Sec. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be, and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding seven thousand dollars, of such denominations and of such proportion as said Board of Trustees may deem advisable, bearing interest from date thereof at a rate not exceeding five per centum, with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by said Board of Trustees; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places as said Board of Trustees may determine: *Provided,* that said Board of Trustees shall issue such bonds at such time or times, and such amount or amounts, as may be required to meet the expenditures hereinafter provided for in section 4 of this act.

Amount, denominations, interest.

Style of bonds.

Time to run.

Proviso.

When to issue.

Proceeds, how applied.

Sec. 4. That the proceeds arising from the sale of said bonds, or of such part thereof as may be necessary, shall be expended by said Board of Trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary, and furnishing same with all necessary equipment.

To be sold at par.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a less price than their par value, nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section 4 of this act.

Not to be directed.

Trustees to levy special tax, for interest and expenses of school.

Sec. 6. That, for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded school provided for in this act, the Board of Graded School Trustees, shall annually and at the time of levying the county taxes, commencing with fiscal year beginning next after the ratification of this act, levy and lay a particular tax on all persons and property subject to taxation within the limits of said graded school district, on which said Board of Graded School Trustees may now or hereafter be authorized to lay and levy taxes for any school purposes, said special tax not to exceed thirty-three and one-third cents on the hundred dollars assessed valuation of property, and not more than one dollar on each taxable poll.

Amount, property and poll.

Tax, by whom and how collected.

Sec. 7. That said taxes shall be collected by the Secretary and Treasurer of said Board of Graded School Trustees at the time and in the manner that the county taxes are collected, and full power and authority for this purpose is hereby conferred upon said Secretary and Treasurer, and that said Secretary and Treasurer shall faithfully and safely keep such moneys which may come into his

Duty of secretary and treasurer.

hands for the use of said graded school, and all other taxes and funds which may come into his hands for such use, and shall pay out only upon the order of the Board of Trustees and warrant of the Chairman of said Board of Trustees: *Provided*, that said Secretary and Treasurer shall enter into a good and sufficient bond in such amount as said Board of Graded School Trustees may direct, conditioned for the faithful collection and paying over and disbursing of said taxes and other funds that may come into his hands, and for the safe keeping thereof, for the use and benefit of said graded school.

Proviso.

Official bond.

Sec. 8. That the provisions of sections 3 and 7 of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by said Board of Graded School Trustees, after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections 3 and 7 of this act, shall be published in one or more weekly newspapers published in Cumberland County, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of State and county elections: *Provided*, that said Board of Trustees shall apppoint four qualified voters as judges of election, who shall have the same powers and duties now held by the members of the county election boards. Those qualified voters approving the issue of bonds provided for in this act and the levy and collection of the special taxes provided for in section 7 of this act, shall deposit a ballot containing the written or printed words "For School," and those disapproving the same shall deposit a ballot containing the written or printed words "Against School." If a majority of the votes cast by qualified voters at said election shall be "For School," it shall be deemed and held that a majority of the qualified voters of the said graded school district are in favor of granting to the aforesaid Board of Trustees authority to issue such bonds, and to the Board of Graded School Trustees of said graded school district authority to levy such special tax; but, if a majority of the votes cast by qualified voters at said election shall be "Against School," then said Board of Trustees of said graded school district shall not have such authority: *Provided*, that the results of such election duly ascertained in accordance with law, shall be enrolled among the public records of the county of Cumberland and the copy thereof shall be certified to the Clerk of the Superior Court of Cumberland County and filed by him in his office; and after thirty days from the date of such enrollment and filing, such records shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said votes so cast shall not be in favor of issuing such bonds and levying such special tax, said Board of Trustees shall order another election at any time when ad-

What question to be submitted to voters.

Election, when held.

Notice of.

Proviso.

Judges of election.

Ballots.

If majority favor schools.

Proviso.

Result of election, how declared.

Not open to attack, when.

Proviso.

Subsequent elections.

visable to do so, and if at such election a majority of the qualified votes cast shall be "For School," it shall have the same force and effect as if no election had been previously held: *Provided*, that the result of such second election, if it should be held, should be final.

Trustees, personnel.

Sec. 9. That S. H. Cotton, A. Deaver, Jas. Cameron, H. O. Davidson, Chas. A. Jackson, W. D. Campbell, D. C. Rogers, John Fowler, J. A. McIntyre, Jas. H. Johnson, F. H. Cotton, Dr. J. W. McNeill, F. Berckman, Joseph Johnson and Dr. J. C. Gilbert shall be and they are hereby constituted a Board of Trustees for the public schools of said graded school district. That the first three of said trustees shall hold office until the first day of May, 1904, the next three until the first day of May, 1905, the next three until the first day of May, 1906, the next three until the first day of May, 1907, and the last three until the first day of May, 1908, and their successors elected as hereinafter provided shall hold for the term of five years each. The vacancies occurring by reason of expiration of term of office, or by resignation or otherwise, shall be filled by a majority vote of the other members of this Board of Graded School Trustees, holding over: *Provided*, that the position of trustee shall not constitute an office within the meaning of article 7, section 14, of the Constitution of this State.

Tenure.

Vacancies.

Proviso.

Not a constitutional office.

Trustees incorporated.

Sec. 10. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Hope Mills," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange, mortgage or sell the same and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal.

Name.

Powers.

Schools, for white and negro races.

Sec. 11. The said Board of Graded School Trustees may establish graded public schools for the white and colored children of said graded school district. And said Board of Trustees shall appropriate and use the funds derived from said special taxes, and from other sources, in such manner as they may deem just to both races, providing equal school facilities for each race, due regard being paid, however, to the difference in cost of maintaining said schools.

Funds, how apportioned.

Trustees to have exclusive control.

Sec. 12. That said Board of Trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the county school authorities, shall prescribe rules and regulations for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken, in accordance with the general school law of the State, an accurate census of the school population of said graded school district, and shall exercise such other powers as may be necessary for the successful control and operation of said schools.

Officers and teachers.

School census.

Sec. 13. That said Board of Trustees, upon the ratification of this act, shall immediately meet and organize by electing a chairman and a secretary and treasurer and adopting such rules and regulations as to them may seem proper. Trustees, meeting of officers of.

Sec. 14. That the school authorities, as at present constituted, shall carry on the schools in said graded school district until the graded schools, as provided for in this act, shall be established by said Board of Trustees. Present school to continue.

Sec. 15. That immediately upon the establishment of the graded schools provided for in this act, the Treasurer of Cumberland County shall pay over to the Secretary and Treasurer of said Board of Trustees all school funds which may then be in his hands belonging to the present school district included within said graded school district. Public school funds to be paid over to trustees.

Sec. 16. That all public school funds derived from the State and from the county of Cumberland for the use and benefit of the public schools in said graded school district, shall be paid over to the Secretary and Treasurer of said Board of Trustees by the Treasurer of said county, for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the public school districts embraced within the limits of said graded school district, shall become the property of said graded school district, and the title thereto shall be vested in said Board of Trustees, in trust therefor; and said Board of Trustees may in their discretion sell the same, or any part thereof, and apply the proceeds to the use of the schools to be established under authority of this act: *Provided*, that the public school funds mentioned in this section shall not be paid over to said Secretary and Treasurer until the school herein provided for shall be established by said Board of Trustees. Public school fund, how expended. School property, how vested. Proviso. Fund, when to be paid over.

Sec. 17. That said Board of Trustees adopt text books for said schools as recommended by State Board of Education; provide for the instruction other than that included in the prescribed course, and fix the rate of tuition to be charged therefor; admit pupils residing without the limits of said district upon such terms as said Board may deem reasonable; and, if in their judgment it should be necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than one dollar per annum payable as said Board may direct: *Provided*, that such fee shall be applied to the maintenance of such school as the pupil paying same may attend. Text-books. Tuition fees. Proviso, how applied.

Sec. 18. That said Board of Trustees shall elect, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise said graded schools and exercise such other power and discharge such other duties as said Board Superintendent to be elected.

of Trustees may prescribe, subject to removal at the discretion of the said Board of Trustees.

Trustees to make report.

Sec. 19. That it shall be the duty of said Board of Trustees to make annually, after the close of each school year, a full report of the operations of the graded public schools of said district to the County Board of Education of Cumberland County.

Apportionment per capita.

Sec. 20. That the school authorities, having authority under the general school law of the State, shall, in the apportionment of all public funds to said graded school district, apportion the same upon a per capita basis.

Repealing clause.

Sec. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 169.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Graded school district established.

Section 1. That the following territory lying and being in Alamance County, North Carolina, in Townships Newland and Patterson, and more particularly described as follows: Beginning at T. F. Albright, J. W. Lashley and Sallie Hornaday's corner in the middle of the public road west of T. F. Albright's, thence south to S. F. Lashley and John Gilmore's corner in Sallie Hornaday's line, thence south with S. F. Lashley and John Gilmore's line to S. F. Lashley and John Gilmore's and Nelson's corner, thence east with S. F. Lashley and the Nelson line to S. F. Lashley and the Nelson corner, thence south to Lashley, Nelson and Fox corner, thence east to Fogleman and Lashley's corner, thence north with "The Old Fayetteville" road to Lashley and O. T. Fogleman's corner, thence east with Lashley and O. T. Fogleman's line to Lashley and D. F. Carter's corner in O. T. Fogleman's line, thence east with O. T. Fogleman and Carter's line to D. F. Carter and H. C. Carter's corner in Fogleman's line, thence east with O. T. Fogleman and H. C. Carter's line to Fogleman and A. G. Wright's corner in H. C. Carter's line, thence south with Fogleman and Wright's line to Fogleman and Stout's corner in Wright's line, thence south with Wright's and Stout's line to Wicker's corner, thence with Wright's and Stout's line to Wicker's corner in Stout's line, thence south with Wright and Maloer Wick-

Boundaries.

Description.

er's line to Wright's corner in Wicker's line, thence east with Wicker and Loy to Wright and John Jeffries' corner, thence north with Wright and John Jeffries to Wright and Jeffries' corner, thence east with Wright and Jeffries and Stevens to Wright and Teague's corner in Stevens' line, thence east with Teague, Stevens and J. H. Stuart to Stevens' corner in Stuart's line, thence east with J. H. and John Stuart to M. B. Stuart's corner in this line, thence east with T. J. Dixon and M. B. Stuart and John Stuart and David Stevens' line to M. B. Stuart's in John Stuart's line, thence north with John Stuart and M. B. Stuart's line to their corner, thence east with John Stuart's and M. B. Stuart's line to Mehone Stuart and M. B. Stuart's corner in John Stuart's line, thence north with M. B. Stuart and Mehone Stuart's line to Mehone Stuart and Thos. McPherson's corner in M. B. Stuart's line, thence east to old plank road, thence north with plank road to the dower line of widow M. McPherson to her corner, thence west to corner in line of M. B. Stuart, thence north to corner in same line, thence east to corner in dower line of widow M. McPherson, thence north to corner in same line, thence east to corner in middle of plank road, thence north with said road to corner of M. M. Roach and Thos. McPherson, thence east with M. M. Roach and Thos. McPherson's line to corner in D. N. Stuart's line, thence with D. N. Stuart and M. M. Roach's line to a corner in M. M. Roach's line, thence east with D. N. Stuart and Thos. McPherson's line to their corner, thence north to a corner in Sol. Stuart's line near the Buzzard Rock, thence east with S. M. Stuart and James Griffin's line to a corner in James Griffin's line, thence north with S. M. Stuart and W. C. Holman's line to a corner in J. C. Griffin's line, thence west with S. M. Stuart and J. C. Griffin's line to a corner in S. M. Stuart's line, thence north with S. M. Stuart and J. C. Griffin's line to a corner in J. H. Roach's line, thence west with S. M. Stuart and J. H. Roach's line to South Fork of Cane Creek, thence down said creek to N. C. Stuart's line, thence east with N. C. Stuart and Job Stuart's line to N. C. Stuart's corner in Job Stuart's line, thence north with N. C. Stuart and Job Stuart's line to a corner of N. C. Stuart, Job Stuart, J. B. Allen and D. H. Durham, thence with D. B. Allen and Job Stuart's line to a corner in Mary Allen's line, thence north with D. B. Allen and Mary Allen's line to a corner of Mary Allen and N. C. Stuart in D. B. Allen's line, thence east with N. C. Stuart and Mary Allen's line to N. C. Stuart's corner in John Allen's line, thence north with N. C. Stuart and John Allen's line to N. C. Stuart's corner in Phila Green's line, thence east with Phila Green and John Allen's line to Phila Green's corner in John Allen's line, thence north with Phila Green and J. C. Griffin's line to Phila Green's corner in J. C. Griffin's line, thence west with J. C. Griffin and Phila Green's line to Phila Green's corner

Description.

Description.

in Rebecca Allen's line, thence north with Rebecca Allen and J. C. Griffin's line to Cane Creek, thence down Cane Creek to where Hunting Branch runs into Cane Creek, thence up Hunting Branch to where the line dividing J. D. McPherson's old place from the Eli McPherson land crosses said branch, thence north with said line to J. D. McPherson's corner in Job Allen's line, thence west with J. D. McPherson's and Job Allen's line to Jonathan Moon's corner in J. D. McPherson's line, thence north with Jonathan Moon, Job Allen and J. R. Cobb's line to a corner in Sim Thompson's line, thence west to J. R. Cobb's corner in John Kimball's line, thence north to John Kimball's corner in the old Wells line, thence with the old Wells line to Alex. McVey, O. D. Holt's corner in the old Wells line, thence west with Alex. McVey, O. D. Holt and Sim Harper's line to corner of Malon Hobson in this line, thence west with Malon Hobson and Sim Harper's line to Malon Hobson's corner in Wm. Thompson's line, thence south with Wm. Thompson and Malon Hobson's line to H. D. Stagg's corner in Wm. Thompson's line, thence west with H. D. Stagg and Wm. Thompson's line to T. E. Thompson's corner in this line, thence west with T. E. Thompson and Wm. Thompson's line to J. A. Thompson's corner in this line, thence west with J. A. Thompson and Wm. Thompson's line to Wm. Thompson's corner in J. A. Thompson's line, thence north with J. A. Thompson and Wm. Thompson's line to J. A. Thompson's corner in the old Hornaday line, thence north with the creek to H. C. Counselman and J. A. Isley's corner, thence west with J. A. Isley, H. Counselman and Jack Nash to J. A. Isley and Jack Nash's corner in George Counselman's line, thence south with J. A. Isley, George Counselman and Wm. Atkinson's line to J. A. Isley and J. A. J. Patterson's corner in Wm. Atkinson's line, thence south with Wm. Atkinson and J. A. J. Patterson's line to their corner, thence west with J. A. J. Patterson and Wm. Atkinson's line to J. A. McPherson and J. A. J. Patterson's corner in Wm. Atkinson's line, thence west with J. A. McPherson and Wm. Atkinson's line to their corner in the public road, thence south with said road to J. A. Isley and Wm. Atkinson's corner in J. A. McPherson's line, thence west with J. A. Isley and Wm. Atkinson's line to J. A. Isley, Wm. Atkinson and A. K. Johnson's corner, thence south with J. A. Isley and A. K. Johnson to a corner in their line, thence east with J. A. Isley and A. K. Johnson's line to a corner of J. A. Isley and A. K. Johnson in this line, thence south with J. A. Isley and A. K. Johnson line to a corner of J. A. Isley and J. A. McPherson, in A. K. Johnson's line, thence south with J. A. McPherson and A. K. Johnson to a corner of J. A. Isley, J. A. McPherson and A. K. Johnson, thence west with A. K. Johnson and J. A. Isley to their corner, thence south with J. A. Isley and A. K. Johnson to the Hillsboro Road, thence south with Ed Isley and A. K. Johnson to A. K. Johnson and M. D.

Pike's corner in Ed Isley's line, thence west with their lines to Frank McPherson's corner in this line, thence west with Frank McPherson and Pike's line to their corner, thence south with Frank McPherson and Pike's line to a corner of A. K. Johnson in Pike's line, thence south with A. K. Johnson, Pike and James Euliss' line to Gilmer Pike and James Euliss' corner in John Euliss' line, thence west with John Euliss and Gilmer Pike's line to middle of old Fayetteville road, thence south to corner of John Euliss and Gilmer Pike in their line, thence east to a corner in said line, thence south with Gilmer Pike, John Euliss and Dr. D. H. Albright to a corner of John Euliss and T. F. Albright in Dr. D. H. Albright's line, thence west with T. F. Albright and John Euliss' line to corner in the Murphy Cable line, thence south to the beginning, is hereby created one school district and named "Sylvan." Description.

Sec. 2. That the following parties are hereby appointed School Trustees, for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: Trustees appointed.

A. L. McPherson and William P. Stuart, for one year; and Samuel F. Lashley and Miss Eula Dixon for two years, and Thos. F. McVey and G. Holt Picard for three years, and the terms of office of each of said trustees shall commence with the date of the ratification of this act. Personnel, tenure.

All vacancies in the said Board, whether arising from death, resignation, removal, expiration of the term of office, or otherwise, shall be filled bythe remaining trustees, and a majority shall have the power of selection, and the persons so selected shall hold for three years from the date of their selection. Vacancies.

Sec. 3. That said Board of Trustees shall on the first Monday in May next ensuing, submit to the qualified voters of said district, above created, the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by a notice thereof, published in some newspaper published in Alamance County, and by notice posted at four public places in said district. The said Board of Trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar, and the other two poll holders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words, "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county offi- Trustees to submit establishment of district to voters, when. Notice of election. Registrar and poll-holders. Election, how held. Ballots.

Election, where held.

cers. The said election shall be held at the school-house for the white race in said territory.

If majority favor schools.

Sec. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of County Commissioners of Alamance County to levy annually a special tax, of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district, and upon the poll not less than ninety cents and not more than one dollar, and the tax so levied shall be collected by the Sheriff of Alamance County, and shall be by him turned over to the Treasurer of the said School Trustees, and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax, five per cent. commission one way.

Commissioners to levy special tax.

Amount, property and poll.

How collected and held.

Public school fund.

Sec. 5. That all moneys coming to the said district above described, for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the Board of Trustees above created and appointed, and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

How held and applied.

Trustees to have exclusive control of property.

Sec. 6. The said School Trustees above named, and their duly constituted successors shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper; and they shall select a treasurer who shall have charge of all moneys to be used for school purposes, and who shall pay the same out on such vouchers as they shall direct, and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all moneys coming to their hands from any and all sources above named and any other source that shall be paid, bequeather or devised them for the schools in said territory for the benefit of said schools.

Treasurer, duty of.

Funds, how expended.

Powers of trustees, teachers and officers.

Sec. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold real and personal property necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do upon such terms as shall be fixed by said trustees.

School property.

Tuition fees.

Sec. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors. Property now on hand, how vested.

Sec. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within three miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the court. Unlawful to manufacture or sell liquor within three miles.

Sec. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed. Repealing clause.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 170.

AN ACT TO INCORPORATE THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants residing within the following boundaries, to-wit: Beginning on Pamplico River at the mouth of Jack's or Wind-mill Creek, and running up said creek to the mouth of the Cool Spring Branch, thence up the Cool Spring Branch, crossing the Plymouth Road near its intersection with Harvey street extended, and continuing on with said branch and crossing Market street, extending 1,518 feet northwardly from the northern edge of Fifth street; thence up said branch and the Trotter ditch to an elm 1,135 feet; thence N. 51 W. 20 poles to a water-oak; thence north 57½ feet west parallel with Fifth street 2,178 feet therefrom to a point 429 feet westwardly from Washington street extended; thence south 30½ degrees west parallel to Washington street and 429 feet therefrom to the northern line of Fourth street extended; thence with the northern line of Fourth street extended to a point 1,794 feet from the western edge of Washington street; thence south 30½ degrees west parallel with Washington street to Pamplico River, and down said river to the beginning, shall be and remain a body politic and corporate under the name and style of the "City of Washington," and under such name and style may sue and be sued, plead and be impleaded; acquire by gift, purchase, devise, or in any other way such real estate and personal property as may be necessary, proper or useful in carrying out this act; hold, invest, impose, use, govern, control and protect; and under the Boundaries. Corporate name. Corporate powers.

hand of the Mayor and two Aldermen, attested by the corporate seal, sell or dispose of the same; and shall have all the powers, rights and privileges belonging to or usually vested in or pertaining to municipal corporations; and within six months after the ratification of this act shall cause an accurate survey to be made of the exterior boundaries of said city as herein provided, and shall have the corners and intersections of the streets on the northern, western and eastern sides marked by suitable monuments. That a plot of said boundaries shall be made and recorded in the minutes of the Board of Aldermen of said city. That any person who shall remove, deface or in anywise injure said monuments shall be guilty of a misdemeanor and be punished by fine or imprisonment in the discretion of the court: *Provided further*, that all that part of Pamlico River to its southern banks in front of said city, and any cemetery or cemeteries owned by said city, and any lands now or hereafter acquired by said city for the purpose of cemeteries or public parks, and the public roads leading to said cemeteries or parks, shall be and constitute a part of said city, whether included within the boundaries hereinbefore set out or not, and shall be subject to all of the provisions of this act and all ordinances of the "City of Washington" now in force or hereafter enacted for their government.

Survey of boundaries.

Plot of town to be made and recorded.

Pamlico river and cemeteries to form part of city.

"City" invested with property of "town."

Sec. 2. That the "City of Washington" is hereby invested with all of the property and rights of property which now belongs to the corporation or body politic, created by chapter 199, Laws of 1847, ratified the 18th day of January, 1847, and the several amendments thereto. That all of the ordinances and by-laws heretofore adopted by the "Commissioners of the Town of Washington" shall remain and continue in force as ordinances and by-laws of the City of Washington until altered, amended or repealed. That the "City of Washington" shall assume and pay all outstanding obligations of the "Commissioners of the Town of Washington." That the Mayor and Commissioners and other officers of the "Commissioners of the Town of Washington" shall fill and occupy the same places in the "City of Washington" until their successors are elected as hereinafter provided for.

Ordinances and by-laws to remain in force.

Obligations of town binding on city.

Mayor and other officers of town to continue.

WARDS.

Sec. 3. That the "City of Washington" shall be divided into four wards as follows, to-wit: All that part of said territory lying southward of the centre of Third street and Third street extended to the eastern boundary of the town and eastward of the centre of Market street shall constitute the First Ward; all that part lying westward of Market street and southward of a line half way between Second and Third streets shall constitute the Second Ward; all that part of said city lying westward of Market street and northward of a line half way between Second and Third streets shall constitute

City to be divided into wards.

First ward.

Second ward.

Third ward.

the Third Ward; all that part of said territory lying eastward of Market street and northward of the middle of Third street shall constitute the Fourth Ward. That each of said wards shall constitute an election district, and there shall be established a polling place in each of said wards for the holding of elections. Fourth ward. Each ward an election district. Polling place.

Sec. 4. That on Tuesday after the first Monday in May, 1903, there shall be elected at large of and by the qualified voters of said city a Mayor, who shall be a citizen, resident and qualified voter of said city, and at the same time there shall also be elected separately, of and by the qualified voters of the said several wards, Aldermen as follows: That is to say, of and by the qualified voters of the First Ward, two Aldermen; of and by the qualified voters of the Second Ward, two Aldermen; of and by the qualified voters of the Third Ward, two Aldermen; of and by the qualified voters of the Fourth Ward, two Aldermen. That the said Aldermen shall be citizens and residents and qualified voters of the wards for which they are respectively elected. That the persons so elected shall constitute the Board of Aldermen of said city. That the said Mayor and said Aldermen from each of said wards shall hold their said offices for two years. That thereafter there shall be elected, on the first Monday in May of each second year of and by the qualified voters of said several wards, two Aldermen for each of said wards, who shall hold their offices for two years. That the Mayor shall be elected on the 1st Monday in May biennially. Date of first elections. Mayor elected by city at large. Qualification. Aldermen, two by each ward. Qualification for aldermen. To constitute board of aldermen. Term of office. Date of future elections. Term of mayor.

ELECTIONS, HOW HELD.

Sec. 5. That the election to be held on the Tuesday after the 1st Monday in May, 1903, shall be called, held and conducted under the direction of the present Mayor and "Commissioners of the Town of Washington," and the biennial elections to be hereafter held shall be held and conducted under the direction of the Mayor and Board of Aldermen of the "City of Washington." First election conducted by mayor. Future elections conducted by mayor and aldermen.

VOTERS.

Sec. 6. That all persons who are qualified under the laws of the State to vote for members of the General Assembly and shall have resided in the said city for the six months and the ward in which they propose to vote for the thirty days next preceding such election, and have duly registered for said city elections, shall be qualified voters of said city and the several wards thereof. Qualification of voters.

REGISTRARS OF ELECTION AND POLL HOLDERS.

Sec. 7. That at the meeting of the Board of Aldermen in March of every year in which an election is to be held the said Board of Aldermen shall appoint some suitable person for each ward to act Registrars.

as registrar for his ward. The person so appointed shall be one entitled to register and vote in the ward for which he is appointed. He shall register every person entitled to register and vote, who applies to him for registration. The Board of Aldermen may, when the registrars are appointed, order a new registration for any biennial election; notice of such new registration shall be given for twenty days before the books are opened for registration by publishing a notice in the papers of the said city. The Board of Aldermen shall furnish the several registrars with suitable books in which to register the voters. The books shall be open for the registration of voters on the 1st Monday in April in every year in which an election may be held, and shall remain open for twenty days, and on the last day on which the said books are open the registrar shall be at the polling place for the registration of voters from 7 A. M. to 7 P. M., on which day the books shall be open to the inspection of any qualified voter of said city who may then challenge the name of any person appearing therein, and any one may on that day take a copy of said books upon paying a fee of one cent a name. If any person be challenged the registrar shall fix a time to hear the challenge, and shall notify the person challenged by leaving a notice at his place of residence, stating when the challenge shall be heard; at the time fixed the registrar and poll holders shall attend at the polling place and judicially hear and determine the said challenge, and the person challenged shall prove his right to vote. Nothing herein shall prevent a challenge being made at any other time or on election day, but all challenges made before election day must be heard and determined before the day of election. At the meeting in April in every year in which an election is held the Board of Aldermen shall appoint two poll holders in each ward, who shall be qualified voters of the ward for which they are appointed. On the first Monday in May, in every year in which an election is held, the said registrars and poll holders shall, at the respective polling places at the hour of 7 A. M., open the polls, and shall keep them open until 7 P. M., during which time every qualified and registered voter shall be allowed to cast one vote for Mayor and one vote for the Alderman or Aldermen to be elected in that ward. At 7 P. M. the election shall be closed, and the registrar and poll holders shall, in the presence of such electors as choose to attend, forthwith proceed to count said ballots, and shall, upon blanks furnished by the Board of Aldermen, under their hand and seal make to the City Clerk a true return of the number of votes cast for each person voted for and the office for which he was voted for. The City Clerk shall give to the persons receiving the largest number of votes for Aldermen for the several wards a certificate of election. The City Clerk shall add up the several returns upon the vote for Mayor, and shall give

Board may order new registration.

Books furnished by board of aldermen.

Registration books, when open.

At polling place for inspection and challenge on last day of registration.

Challenges.

Registrar and poll-holders to hear and determine challenges.

Person challenged to prove his right.

Challenges at other times and on election day.

Appointment of poll-holders.

Registrars and poll-holders to open polls.

Votes.

Election, when closed.

Return of votes.

City clerk to give certificates of election.

to the persons receiving the highest number of votes in the entire city for the office of Mayor a certificate of election. In the event of a tie in any ward for Alderman the registrar for that ward shall cast the deciding vote; in the event of a tie for Mayor the City Clerk shall cast the deciding vote. All ballots shall be upon white paper and shall contain the name of the person voted for and the office, and shall be without emblem or device. All election officers, before entering upon the duties of their office, shall take and subscribe an oath to support the Constitution of the United States, the State of North Carolina, and to faithfully and impartially discharge the duties of their office. In all other respects the election shall be governed by the laws of the State for the election of members of the General Assembly, and every person seeking to register shall take the oath required to be taken to register under the laws for the election of members of the General Assembly, with additions as to his being a resident of the city and ward for the required time. That if the registrar declines to serve, the City Clerk shall appoint another person in his place; if a poll holder declines or refuses to serve, the registrar shall appoint a substitute to act in his place.

Deciding vote in case of tie.

Form of ballots.

Officers-elect to take oath of office.

Oath of voters.

Vacancies of registrar and poll-holders.

PERSONS ELECTED, TO QUALIFY.

Sec. 8. That the persons receiving the certificate of election shall, on the following Monday, qualify by taking and subscribing to an oath to support the Constitution of the United States, the Constitution of the State of North Carolina, and the laws not inconsistent therewith, and to faithfully and impartially discharge the duties of their several offices.

When and how officers-elect to qualify.

Qualification of officers.

THE MAYOR.

Sec. 9. That the Mayor shall have and keep his office in the city hall or in some other convenient building provided by the Board of Aldermen. He shall have the custody of the corporate seal; preside over, when present, all of the meetings of the Board of Aldermen, and have a casting vote in all cases of equal division therein; a general custody, direction, supervision and control of all the public employees, work and works, improvements, grounds, buildings and property of the city not otherwise provided for by this act or by the Board of Aldermen; may, after a full and fair hearing, suspend for cause until the next meeting of the Board of Aldermen, any officer or employee of the city charged with dereliction of official duty or the violation of any of the provisions of this act, and his action thereon shall be reported to the next meeting of the Board of Aldermen; and shall perform such other duties as are or may be prescribed by this act or the ordinances of said city and the general laws of the State.

Mayor's office in city hall.

Custody of corporate seal.

Voting power of mayor.

Powers of mayor.

May suspend officers or employees for cause.

Further duties of mayor.

Mayor a special court.

Sec. 10. That the Mayor of the "City of Washington" is hereby constituted a special court, to be known as the "Mayor's Court," with exclusive original jurisdiction of all offenses arising from the violation of the provisions of this act or of the ordinances, by-laws, rules and regulations of the Board of Aldermen made in pursuance

Jurisdiction.

hereof, and with all the jurisdiction, power and authority which is now or hereafter may be given to justices of the peace for the trial and determination of such civil and criminal causes as may arise within the corporate limits of said city under the general laws of North Carolina, and to that end he may issue his summons, warrant or other process, and if criminal, have the party brought before him, hear, determine and give judgment thereon; issue execution, impose fines, penalties and forfeitures as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties, and subject also to the same right of appeal as is provided for from courts of justice of

Proviso: exclusive jurisdiction.

the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this charter or of any ordinance, rule or regulation made in pursuance hereof, shall be removed from the

Proviso.

Mayor's court to a justice of the peace for trial: *Provided further*, that in case a defendant, a witness or other person shall be adjudged to be imprisoned by the said Mayor's court, it shall be competent

Power to imprison or work on roads.

for the said court to sentence such persons to imprisonment in the county jail of Beaufort County for a term not exceeding thirty days, and to adjudge also that such person work during the period of his or her confinement on the public streets or works of the city, or the public roads or works of the county of Beaufort; and in case such imprisonment be for the non-payment of a fine, a penalty or

Rate of commutation of fines.

costs, he shall have credit thereon at the rate of seventy-five cents per day for every day in which he shall so work upon the public streets, roads or other works of the said city or county.

Issuance and service of process.

Sec. 11. That the Mayor may issue process to the Chief of Police, or to the city police, or to any other officer in the county of Beaufort to whom a justice of the peace may issue similar process, and such process, when attested by the corporate seal, shall run anywhere in the State of North Carolina, and they shall execute the same:

Proviso: limit of jurisdiction.

Provided, that neither the Chief of Police nor the city police shall execute any process beyond or outside of the boundaries of Washington and Choeowinity Townships, unless the offense was committed or cause of action arose within the corporate limits of the city, or in violation of the provisions of this act.

Force of mayor's judgment.

Sec. 12. That the judgments rendered by the Mayor under the provisions of this act shall have all the force, virtue and validity of judgments rendered by a justice of the peace; may be enforced and executed against the parties in the county of Beaufort and elsewhere in the same manner and by the same means. The fines and penal-

ties imposed by him shall be collected by or paid over to the Chief of Police, who shall pay over and account for the same as hereinafter directed, to the use of the City of Washington. Fines and penalties to inure to city.

Sec. 13. That it shall be the duty of the Mayor to keep an exact account and true record of all fines, penalties and forfeitures by him imposed under any of the provisions of this act, or for violation of any ordinance, by-law, rule or regulation made in pursuance hereof, in a separate book to be furnished by the Board of Aldermen therefor, showing the name and residence of each offender, the nature of the offense, the date of hearing or trial; the amount of the fine or penalty imposed, and, if known, and by whom paid, to the Chief of Police. Record of fines and penalties, etc., how kept.

Sec. 14. That if any person who has been elected Mayor shall fail, neglect or refuse to qualify; or if a vacancy shall occur in the office after election and qualification other than by expiration of term; or if the Mayor be absent from the city or unable to attend or discharge the duties of his office from any other cause, then and in such case the Board of Aldermen shall choose some qualified person to perform the duties of the absent Mayor during the period of his absence or disability, or to the end of the term, as the case may be, and the Mayor so chosen shall have all the power and authority which is vested in the regularly elected Mayor under this act; and the Board of Aldermen shall in like manner fill all vacancies for the unexpired term which may occur in the city government, choosing only such persons as are eligible to original election under the provisions of this act. Vacancy in mayor's office, how filled. Vacancies in other offices.

Sec. 15. It shall be the duty of the Mayor, within thirty days after the close of each fiscal year (including the two last years), to present to the Board of Aldermen a report of the several departments of the city government for the previous year, reviewing the same, with such recommendations in relation thereto as may seem to him advantageous to the public service. It shall be the duty of the Clerk of the city to cause the same to be printed and bound in the usual form with the other reports of the city officers. Mayor to report t aldermen. Report to be printed.

BOARD OF ALDERMEN.

Sec. 16. A majority of the Board of Aldermen shall be competent to perform all the duties herein provided for them, and for the proper government of the city, except as herein otherwise provided. They shall convene on the Monday next following their election for the transaction of business, and fix regular stated times of meeting, not less than once a month, during their term of office. Special meetings may also be held on the call of the Mayor, with written notice to all of the Aldermen, and on a call of a majority of the board, with written notice to the Mayor and to such Aldermen as shall not have joined in the call. Majority of board of aldermen a quorum. Times of meeting. Special meeting.

Duties of aldermen.

Power to make ordinances.

Proviso: penalty for violation.

Election of city officers.

Tax collector may be city clerk or chief of police.

Powers conferred on board of aldermen.

In regulating, laying off and repairing streets.

In regulating signs.

In opening and cleaning streets.

In establishing public grounds.

In protecting shade trees.

Over police force.

Over junk and pawn shops.

Over sale of liquor.

Over speed of locomotives, train and electric cars.

Over hacks and drays.

Observance of Sabbath.

Preservation of peace and order.

Board of health.

Vital statistics.

Public schools and educational facilities.

Sewerage system.

Sec. 17. That it shall be the duty of the Aldermen to attend all the meetings of the board unless unavoidably prevented from doing so, and when convened a majority of the board shall have power to make and to provide for the execution of such ordinances, by-laws, rules and regulations and to fix such penalties and forfeitures for their violation as may be authorized by this act, consistent with the laws of the land and necessary for the proper government of the city: *Provided*, that no penalty prescribed by the Board of Aldermen for the violation of any of the provisions of this act, or of any ordinance, by-law, rule or regulation made in pursuance hereof shall exceed fifty ($50) dollars or thirty days' imprisonment.

Sec. 18. At the first meeting after their election they shall be a *viva voce* vote, which shall be recorded by the City Clerk upon the minutes of the board, elect a City Clerk, Chief of Police, City Treasurer and Tax Collector; the office of Tax Collector may be combined with that of either City Clerk or Chief of Police; they may elect a Street Commissioner and such other officers as may be necessary for the government of the town, none of whom shall be of their number. That among the powers conferred on the Board of Aldermen are these: They may ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets, sidewalks and alleys of the city, and regulate the signs on or over the streets; extend, lay out, open, establish the width and grade of the streets and keep them clean, open and maintain others; establish and regulate the public grounds, have charge of, improve, adorn and maintain the same, set out, cut down or establish and protect the shade trees of the city, appoint and regulate a police force and fix their salary; prohibit vagrancy and street begging; regulate, control, tax, license or prevent the establishment of junk and pawn shops, their keepers or brokers, and the sale of spirituous, vinous and malt liquors; regulate the speed of railroad locomotives, trains and electric cars; the charge for the carriage of persons, baggage and freight for hire, and the license thereof or prevention of the same; provide for the proper observance of the Sabbath; and the preservation of the peace, order and tranquility of the city. They may provide a board of health with prescribed duties and powers, and ways and means for the collection and preservation of vital statistics; promote the establishment and maintenance of public schools and educational facilities by the acquisition of land and the erection of buildings thereon and the equipment thereof, within the corporate limits of the city. They may also construct or contract for the construction of a system of sewerage for the city, and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining proper outlets for the said system to extend the same beyond the corporate limits of the city, then in such case the Board of Alder-

men shall have the power to so extend it, and both within and without the corporate limits to condemn land for the purpose of right of way or other requirements of the system, the proceedings for such condemnation to be as hereinafter provided. Condemnation of land for right of way and outlets.

Sec. 20. That they, from time to time, whenever the health of the city may demand the same, establish and create anywhere in Washington Township such sanitary district or districts as they may deem expedient, and the provisions of this charter, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid as if the same were within the corporate limits and said occupants or householders residents of said city: *Provided*, said sanitary district shall not be farther than one mile from the corporate limits. Sanitary districts in Washington township. Sanitary ordinance applicable outside of city. Proviso: limit of districts.

Sec. 21. That they may require and compel the abatement of all nuisances within the city or within one mile of the city, at the expense of the person causing the same, or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the city or within one-half mile of the city limits any dangerous, offensive or unhealthy trade, business or employment, and if permitted, may regulate and control the same. May abate nuisances. Jurisdiction over dangerous, offensive and unhealthy trades.

Sec. 22. That they may prohibit and prevent by penalties the running at large of dogs, hogs, cattle and other brutes; the riding or driving of horses or other animals at a speed greater than six miles an hour or in a reckless manner within the city limits, and may regulate and control the riding of bicycles; and also the firing of guns, pistols, crackers, gunpowder or other explosives, combustible or dangerous materials in the streets, public grounds or elsewhere within the city. May prohibit animals running at large. Limit of speed in riding and driving. Regulate riding of bicycles. And explosives.

Sec. 23. That they may establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire, and may prescribe the character of buildings to be erected. Public buildings. May forbid wooden buildings. May prescribe character of buildings.

Sec. 24. That they may require the owner or lessee of any lot or premises within the city who shall desire to erect a building thereon or to add to, remodel or alter any building or buildings already built thereon, or make other improvements of the same, if said buildings, additions, alterations or other improvements shall cost the estimated sum of one hundred and fifty dollars ($150), to take out a building permit before the Clerk of said city, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinance, and to enforce the same by proper fines and penalties against said owner or lessee. Building permits. Fee for building permit.

Board of building inspectors.

Sec. 25. That they may appoint a board of building inspectors, to consist of not less than three nor more than five freeholders of said city, to which the chief of the fire department shall be added as chairman *ex officio*, and prescribe the duties of said board of building inspectors, and provide by ordinance such rules and regulations concerning the construction and material of buildings within the corporate limits of said city with a view to protecting life and health in case of fire, accident or other causes as they may deem necessary, and enforce the same by proper fines and penalties.

Cemetery.

Sec. 26. That they may provide place of interment near the city, and regulate the same; may appoint and pay a keeper, and compel the keeping and return of bills of mortality; and shall prohibit further interments in cemeteries or grave-yards within the corporate limits of the city.

Bills of mortality.

May prohibit interments in city.

Organization of fire companies.

Sec. 27. That they may provide for the establishment, organization, equipment and government of fire companies, and appoint three commissioners from their number to be known as fire commissioners, and in all cases of fire a majority of the fire commissioners may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, and the removal of any other property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the fire commissioners cannot be had, the Mayor, together with two Aldermen of the city, and if they cannot be found, the Mayor and two freeholders, to be selected by him at the time, shall perform the duties prescribed for the fire commissioners in this section.

Fire commissioners.

Powers of fire commissioners.

Quarantine powers.

Sec. 28. That they may take such measures as they may deem effectual to prevent the entrance into the city, or the spreading therein, of any contagious or infectious disease; for that purpose may stop, detain and examine every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to propagate and generate disease, and in case any person shall be removed to the hospital the corporation may recover of such person before the Mayor the expense of his removal, support, nursing and medical attendance, and burial expenses in case of death; may establish pest-houses and quarantine stations within or without the city bounds, and require all persons having

May establish hospitals.

May destroy infected furniture or other articles.

Persons removed to hospitals to pay expense.

Pest-houses and quarantine stations.

contagious or infectious diseases to be carried to said places until all danger of contagion or infection is over.

Sidewalk districts.

Sec. 29. In order to provide for the repair, improvement and keeping in order of the sidewalks of the said city the Board of Aldermen may from time to time lay off and establish districts, and divide the sidewalks into districts for their repair and improvement, and may from time to time establish the grade of the sidewalks in saod districts, the width thereof, the cart lines and the building line, and they need not be the same for all of said districts. They may by ordinance provide the character of the sidewalks to be established in the several districts. That every owner of a lot, or person having as great an interest therein as a lease for twenty years, which shall front any street on which a sidewalk has been established and graded, shall improve, in such manner as the Aldermen may direct, such sidewalks as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or if he be a non-resident of the county of Beaufort, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for thirty days in some newspaper (published) in Washington, calling on them to make such repairs, the Aldermen may cause the same to be repaired either with bricks, stone or gravel, at their discretion, and the expense shall be paid by the person in default; said expenses shall be a lien upon said lot, and if not paid within sixty days after completion of the repairs such lot or the interest of said lessee may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes, or an action for the collection of the costs of said repairs may be instituted in the Superior Court of Beaufort County in the name of the city of Washington against said owner or lessee, in the nature of an action or foreclosure, in which action judgment may be taken for the sale of said lot, or of the interest of said lessee, as the case may be, to satisfy the amount due the city by the owner or lessee as aforesaid.

Grade, width, cart line and building line.

Character of sidewalks.

Land-holders to improve sidewalks.

Notice of land-holder.

Sidewalk repaired at expense of delinquent.

Expense a lien on lot.

Enforcement of lien.

Assessment districts for improvement of streets.

Sec. 30. That they may from time to time, for the purpose of grading, paving and otherwise improving the streets of the city of Washington, create and establish "assessment districts" within said city, and they may require every owner of real estate abutting the streets in any of the said districts to pave exclusive of the sidewalk, one-eighth of the street fronting such lot, in such manner and with such material as the Aldermen of said city may at the time pave the other three-fourths thereof, and may enforce such requirements by proper fines and penalties, and upon the failure

Land-owners to pave one-eighth of street.

Upon failure of owner, work to be done at his expense. Notice to delinquent. Cost of paving to be entered on tax list. Lien on property. How collection enforced.

of such owner to do such paving, after twenty days' notice given by the chief of police to said owner, or if he be a non-resident of Beaufort County, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication or a notice by the chief of police for thirty days in some newspaper published in said city, notifying said owner to do such paving, the city of Washington may have the same done, and the cost thereof may be assessed upon said property and entered upon the tax list of said city against said property for the current year, and the said assessment so entered on such tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the "City of Washington" against said owner in the Superior Court of Beaufort County, in the nature of an action of foreclosure, in which said action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid.

CITY CLERK.

City clerk, duties.

Sec. 31. That it shall be the duty of the City Clerk to be present at all meetings of the Board of Aldermen; to keep and record in a book to be provided therefor regular and fair minutes of the proceedings of the board, and, when thereto required, of the Mayor's court; to preserve all the books, records, documents, papers and other articles committed to his use, care or custody during his term of office, and deliver them in good order and condition to his successor, and generally to perform such other duties as may be prescribed by this charter or by the Board of Aldermen.

CHIEF OF POLICE.

Chief of police. Duties. Powers.

Sec. 32. That the Chief of Police shall be the chief executive of the police force. He shall be chargeable with and responsible for the execution of all laws, and the rules and regulations of the department. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments from time to time whenever in his judgment the exigencies of the service may require such change. He shall have power to suspend without pay, pending the trial of charges, any member of the police force: *Provided, however*, that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the Mayor. If any member of the police force so suspended shall not be convicted by the Mayor of the charges preferred, he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspension. Said Chief of Police may grant leave of absence to members of the force

Power of suspension. Proviso: limit. Pay of suspended officer upon acquittal. Leave of absence.

for a period not exceeding five days. He shall report to the Mayor changes or assignments of officers and all leave of absence granted. He shall have general care of the peace of the town and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force and see to the execution of every ordinance. He shall have general supervision over the subject of nuisances and the abatement of the same, and shall exercise and discharge all such powers and functions as pertain to the office of Chief of Police and as the Board of Aldermen may from time to time prescribe. He shall make a monthly report to the Board of Aldermen of the general condition of the department, together with such other matters as pertain to his office, and perform such other duties as may be required of him by ordinance. In case of the absence or disability of the Chief of Police, then a member of the police force may be designated by the Chief of Police to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the Chief of Police.

Reports to mayor.

General care of peace.

Control over police force.

Supervision over nuisances.

General powers and duties.

Monthly report to aldermen.

Substitute in case of absence or disability.

Sec. 33. That the said Chief of Police may appoint, with the consent of the Mayor, special police whenever the exigencies of the times in his judgment demand it. He may appoint or employ, with the consent of the Mayor, detectives and assign them to specific duties.

Chief to appoint special police and detectives with consent of mayor.

Sec. 34. If any member of the police force, or if any two or more householders shall report in writing under his or their signature to the Chief of Police that there are good grounds (stating the same) for believing any house, room or premises within said town to be kept or used as a common gambling house, common gaming room or common gaming premises for therein playing for wager of money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the Chief of Police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against law, but none others, and seize all implements or gaming or lottery tickets or lottery policies, and convey any person so arrested before the Mayor, and bring the articles so seized to the station-house. It shall be the duty of the Chief of Police to cause such arrested persons to be vigorously prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the police committee may direct.

Police power to enter gaming or disorderly houses.

To seize gambling or lottery tools.

Arrested persons to be prosecuted and gambling tools destroyed.

Sec. 35. That the Chief of Police shall have the authority to admit to bail any person arrested for the violation of the town ordinances, in the sum of not less than ten dollars ($10) or more than fifty dollars ($50), for their appearance for trial before the Mayor, and should any person so admitted to bail fail to appear

Chief of police to admit to bail.

for trial before the Mayor, then such bail shall be forfeited to the city, and Chief of Police shall report the money so forfeited in the same way that he does other moneys collected by him.

Further duties of chief and of police force.

To see that laws, ordinances and orders are enforced.

To report breaches of law; to preserve peace and order.

To suppress disturbances and arrest offenders.

To execute warrants or other process.

Sec. 36. That it shall be the duty of the Chief of Police, and of the town police force under his immediate charge and direction, to see that the laws of the city and the ordinances of the Board of Aldermen and the orders of the Mayor are executed and enforced, and all breaches thereof reported to the Mayor; to preserve the peace and order of the city; to suppress disturbances and arrest and carry before the Mayor all offenders against any laws, city, State or national, who may be found within the corporate limits or within one mile thereof; to execute all warrants or other process lawfully directed to him by the Mayor or other competent authority against any person or persons charged with the commission of any crime or misdemeanor within the corporate limits of the city, or within one mile thereof, and if in violation of any of the provisions of this act, they may pursue and continually follow and arrest such offender anywhere within the county of Beaufort; and in the performance of such duties they shall have all the power and authority of and be governed by the same provisions of the law as sheriffs and constables in their respective jurisdictions.

May pursue offenders.

To have power of sheriffs and constables.

Further duties of chief of police.

To collect fines.

Record of fines.

Voucher.

Sec. 37. That it shall also be the duty of the Chief of Police to attend upon the Mayor's court; to collect such fines, penalties and forfeitures as may be imposed by the Mayor upon offenders for the violation of any of the provisions of this charter, or of the ordinances, rules and regulations of the Board of Aldermen made in pursuance hereof, of which he shall keep an exact record in a book to be furnished by the Board of Aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the Mayor, the amount of the fine, penalty or forfeiture imposed, the date of its collection and the date of payment thereof by the Chief of Police to the Treasurer. And the signature of the Treasurer on the last column and the same line of each entry shall be the only sufficient voucher of the Chief of Police for such payment in each case.

Specially charged.

To preserve peace, prevent crime, detect and arrest offenders, suppress riots, protect rights.

Guard the public health, preserve order.

Regulate movement of teams.

Remove nuisances.

Sec. 38. It is hereby made the duty of the police department and force, at all times of day or night, and the members of such force are hereby thereunto empowered to specially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and gatherings which obstruct the free passage of public streets, sidewalks, parks and places, protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, regulate the movement of teams and vehicles in streets, squares, parks and public places, and remove all nuisances in public streets, parks and highways, arrest

all street mendicants and beggars, provide proper police attendance at fires, assist, advise and protect strangers and travelers in public streets and at railroad stations, carefully observe and inspect all places of public amusement, all places of business having license to carry on any business, and to repress and restrain all unlawful and disorderly conduct or practices therein, and in all gambling houses enforce and prevent the violation of all laws and ordinances in force in said city, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent, as far as possible, all injury to the city property and buildings, streets and sidewalks; to report to the Chief of Police any repairs needed, and to perform such other duties as may be required of them by the Board of Aldermen or the Chief of Police, or the Mayor. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the Mayor, who is required to proceed against them as the law directs. They shall have power to enter the enclosures and house of any person without warrant when they have good reason to believe that a felony or infamous crime has been or is about to be committed for the apprehension of any person so offending, and if necessary, to summon a posse to aid them, and all persons so summoned shall have like authority of entry and arrest.

Arrest street beggars.
Provide attendance at fires.
Protect strangers.
Inspect places of public amusement and places of business.
Restrain disorderly conduct.
Prevent violations of law.
Make arrests.
Prevent injury to city property, streets and sidewalks.
Report repairs needed.
Authority to summon aid.
Persons refusing aid to be reported.
May enter houses without warrant for prevention of felony and arrest of offender.

Sec. 39. That upon demand by a city policeman the Sheriff or jailor of the county of Beaufort is hereby required, without a mittimus, to receive into the jail of the county as prisoner any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the Mayor and be lawfully dealt with; and for such service the jailor shall be entitled to such fees as in other like cases.

Sheriff or jailer to receive prisoners without mittimus.
Fees of jailer.

Sec. 40. No person holding office under the police department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process.

Exemption of police.

TREASURER.

Sec. 41. That it shall be the duty of the Treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, to receive and safely keep the same for the use of the city, and to disburse the funds upon the appropriation of the Board of Aldermen according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided

Duties of treasurer.

Accounts.

for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from whence they came, and the purposes for which they were appropriated, except the proceeds of fines, penalties and forfeitures imposed by the Mayor and collected and paid over to him by the Chief of Police,

Separate account of fines, penalties and forfeitures.

of which he shall keep an exact account in a separate book to be furnished by the Board of Aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the Mayor and the date and amount of the payment thereof by the Chief of Police to the Treasurer, the information for which shall be filed by the Chief of Police at the time of payment, and shall submit all said accounts to the Aldermen whenever required to do so. During his continuance therein he shall faithfully perform all duties lawfully imposed upon him as Town Treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe-keeping, disbursement or otherwise.

To turn over books, money, etc., to successor.

Orders on treasurer drawn by mayor countersigned by clerk.

Sec. 42. That all orders drawn on the Treasurer shall be signed by the Mayor and countersigned by the Clerk, and shall state the purpose for which the money was appropriated by the Board of Aldermen.

FINANCE COMMITTEE.

Finance committee of three freeholders.

Sec. 43. The Board of Aldermen shall at their first meeting elect a finance committee of three, none of whom shall be of their number; said finance committee shall consist of freeholders of said city.

To meet annually during April.

The said committee shall, during the month of April of each year, meet at the city hall in said city, and shall examine all of the

To examine finances of city and books of treasurer.

finances of the said city. Shall examine the Tax Collector's books, and the warrants drawn on the City Treasurer, and shall examine the City Treasurer's books and cancel all vouchers and evidences of debt which have been paid by city, and shall, on or before the

Report of examination.

first day of May of each year, make a full and complete report of their examination, showing the method of keeping books, the finances of the city, from what sources the revenue is derived and amount from each source, the expense of each department and the total expense and the amount and kind of indebtedness outstanding, and

Recommendations.

shall make such recommendations as they may deem for the best interest of the city. Said committee shall have power to send for

Examination under oath.

any and all books kept for use of the city, and to examine under oath any and all persons which may be necessary to get a full and

When report submitted. To be published.

correct report. This report shall be submitted to the city authorities on or before the 1st day of May of each year, and published within twenty days thereafter in some newspaper published in said city at a cost of not exceeding half a cent a word. The report shall

be recorded in a book kept for the purpose and the original filed with the City Clerk. And recorded and filed.

Sec. 44. If the board shall fail to elect a finance committee they shall be guilty of a misdemeanor. If the finance committee fails to perform its duties the member or members so failing, unless prevented by sickness or unavoidable cause, shall be guilty of a misdemeanor, and fined not exceeding fifty ($50) dollars. Failure of aldermen to elect a misdemeanor. Failure of finance committee to act a misdemeanor. Penalty.

MARKET HOUSE.

Sec. 45. The Board of Aldermen shall provide and maintain a public market in which they may require all fish, game and fresh meats to be sold, and may charge such rent for stalls therein as they may deem proper, and may prohibit the establishment of markets within one-half mile of city bounds. Public market. Stall rent. Aldermen may prohibit markets within one-half mile of city.

REVENUE.

Sec. 46. That all moneys arising from taxes, penalties, forfeitures or any other source whatsoever shall be the property of the city and be paid into the city treasury, where it shall remain until lawfully appropriated by a majority of the Board of Aldermen in specific items for the exclusive use and benefit of the city and the people resident therein, unless otherwise expressly provided in this act. Revenues of city to be paid into city treasury. How appropriated.

Sec. 47. That in order to raise a fund for the expenses incident to the proper government of the city the Aldermen may annually levy and collect the folowing taxes, namely: Taxing powers.

(1) On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly, *ad valorem*, except incomes, a tax not exceeding fifty cents on every one hundred dollars in value. On real and personal property. Ad valorem, not exceeding fifty cents on the one hundred dollars.

(2) On all taxable polls resident in the city on the first day of June of each year, or so resident within sixty days next preceding that day, a tax not exceeding one dollar and a half a poll. Poll tax not exceeding one and one-half dollars.

(3) That in the collection of all city taxes upon property or polls the general laws of the State, regulating attachment and garnishment, shall be applicable, and the Mayor and Chief of Police shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case. To be collected under general laws.

(4) Upon all male dogs kept in the city, and which may be so kept on the first day of June, a tax not exceeding three dollars, and upon every bitch not exceeding five dollars. Tax on dogs.

(5) Upon all swine and goats not prohibited by the Aldermen to remain in the city, when confined, a tax not exceeding three dollars a head. Swine and goats.

(6) Upon all encroachments on the streets or sidewalks by porches, piazzas, stair-ways, passages or other projections, or excavations Encroachments on streets and sidewalks.

suffered or allowed by the Aldermen, a tax not exceeding one dollar nor less than twenty-five cents per square foot.

Express, telegraph and telephone companies.

(7) Upon every express company and upon every telegraph company and upon every telephone company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the laws of the State for the failure to give in.

Stock of banks, banking association, or other incorporated institution.

(8) Upon all shares and certificates of stock issued by every bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this State or of the United States, *ad valorem* a tax not exceeding fifty cents on every hundred dollars value: *Provided*, that the owners of such shares or certificates of shares of stock are residents of the city, and that the assessment shall be without regard to the value of the stock on the first day of June annually: And *Provided further*, that the value of the property of said capital stock shall be taken as the same as that fixed for taxation for State and county purposes.

Proviso: owners of stock to be residents of city.

Proviso: value of stock to be that fixed for State and county taxes.

Stud-horse, jackass or bull.

(9) Upon every stud horse, jackass or bull used for the purpose of breeding within the corporate limits of said city, a license tax not exceeding twenty-five dollars a year.

License taxes.

Sec. 48. That in addition to the subjects listed for taxation the Aldermen may levy a tax on the following subjects, the amount of which tax, when levied, shall be collected by the Chief of Police instantly, and if the same be not paid on demand the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

To be collected by chief of police.

May be recovered by suit or distraint.

Temporary or itinerant merchants or peddlers not exceeding fifty dollars.

(1) Upon all temporary or itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps or wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured, and not more than one person shall sell or peddle under a single license: *Provided*, that such temporary or itinerant merchants or peddlers shall comply with such rules and regulations as the Board of Aldermen may make in respect to the times, places and manner of vending under such licenses.

Proviso: regulations as to peddlers.

Billiard tables, bowling alley, bowling saloon, bagatelle table, pool table, etc., not exceeding twenty-five dollars. If kept in house where liquor is sold or connected with hotel or restaurant or contiguous to either not exceeding fifty dollars.

(2) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table or tables, stand or place for any other game of play not prohibited by law, with or without a name, kept for hire, a license tax not exceeding twenty-five dollars, and if kept in a house where liquor is sold or a house used or connected with such a house, or used or connected with a hotel or restaurant, or contiguous or adjacent to either, a license tax not exceeding fifty ($50) dollars.

(3) Upon every permission by the Board of Aldermen to retail spirituous, vinous or malt liquors, or to sell in any quantity under five gallons, a tax of not exceeding five hundred dollars and not less than three hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of five gallons or more, a license tax of one hundred dollars: *Provided*, that they may issue a single license for the sale of beer only, and charge therefor not exceeding one hundred dollars a year: *Provided*, that no license shall be issued for longer than three months, that is to run from January 1st to March 31st, from April 1st to June 30th, from July 1st to September 30th, from October 1st to January 1st of each year.

To retail liquors: not more than $500 nor less than $300.

Wholesale license $100.

Proviso: beer license only $100.

Proviso: no license issued for longer than three months.

(4) Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled.

Circus riders: within city or one mile thereof not exceeding fifty dollars for each performance. Side show not exceeding $10 to be paid before exhibition or doubled.

(5) Upon every person or company exhibiting in the city, or within one mile thereof, any stage or theatrical plays, sleight of hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled.

Stage plays, sleight of hand, rope or wire dancing, tumbling and menageries not exceeding $20 for every three hours. To be paid in advance or doubled.

(6) Upon every exhibition for reward, or artificial curiosities (models of useful inventions excepted) in the city, or within one mile thereof, a tax not exceeding twenty dollars, to be paid before the exhibition, or the same shall be doubled.

Artificial curiosities. Not exceeding $20 to be paid in advance or doubled.

(7) Upon each show or exhibition of any other kind, and on each concert for reward in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before the exhibition, or the same shall be doubled.

Other shows, concert and strolling musician, not exceeding $10 to be paid in advance or doubled.

(8) Upon every cow, goat or hog found going at large in the city there may be levied a tax not exceeding three dollars, and upon every horse, mule or bull found going at large, a tax not exceeding ten dollars, and every animal may be seized and impounded in an enclosure which shall be established and kept by the city therefor, and if the owner on being notified will not pay the tax, the animal shall be sold therefor at the pound, after three days' notice at the court-house.

Cow, goat or hog going at large, not exceeding $3.

Horse, mule or bull going at large, not exceeding $10.

Animals may be impounded.

(9) Upon every dog which may be kept or brought into the city after the first day of June, to be kept therein, a tax not exceeding three dollars for the permission to keep such dog in the city, unless a bitch, when they may charge five dollars, which permission shall not extend further than the last day of May next ensuing.

Dogs, not exceeding $3.

Bitches, not exceeding $5.

(10) Upon every auctioneer or crier of goods at public auction,

Auctioneer, not exceeding $50.

subject to the limitations provided in section 2281 of The Code, a license tax not exceeding fifty dollars a year.

Stock and bond broker, joint dealer and pawn broker, sewing machine or bicycle company or agent, dealer in or agent of musical instruments, keeper of sales stables or stock-yards, not exceeding $25.

(11) Upon every stock and bond broker, junk dealer and pawn broker, sewing machine or bicycle company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables or stock-yards doing business in the city, a license not exceeding twenty-five dollars a year.

Lawyer, physician, dentist, cotton broker, bill poster, street huckster, photographer, merchandise or produce broker, ice dealer, wood or coal dealer, insurance company or insurance agency for each company, skating rink and shooting gallery, not exceeding $10.

(12) Upon every lawyer, physician, dentist, cotton broker, bill-poster, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood or coal, or either, insurance company or insurance agency for every company represented, and every skating rink or shooting gallery, a license tax not exceeding ten dollars a year.

Every other occupation, profession or business, not exceeding $25.

(13) Upon every other occupation, profession or business not herein specially named, a license tax not exceeding twenty-five dollars a year.

License taxes collected by chief of police.

Sec. 49. That all license taxes shall be collected by the Chief of Police of said town, who shall collect the same and issue a license signed by the Mayor and countersigned by the City Clerk, which license shall not extend beyond June 1st next after it is issued. The City Clerk shall keep a record of all licenses issued, and shall report monthly to the Board of Aldermen all licenses issued during the preceding month. Any person who shall engage, conduct or carry on any business in said city for which it is required that a license shall be obtained, without first obtaining said license, shall be guilty of a misdemeanor, and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and each day that such business is conducted without a license shall be a separate offense.

License signed by mayor, countersigned by clerk.

License to be recorded.

Misdemeanor to engage in business without license.

Penalty.

Citizens and others to list taxes.

Sec. 50. That the citizens of Washington, and others liable to be taxed under this charter, shall, on the day prescribed for listing State and county taxes, render on oath to the Clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the Board [of] Aldermen, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed in this charter. The list shall state the age of the party with reference to his liability to poll tax, and shall also contain a verified statement of all real and personal property of every kind, and such interest and estates therein as are taxable, all moneys, credits, investments in bonds, stocks, joint-stock companies, annuities or otherwise, not herein excepted, and all other subjects taxed by this charter and by the General Assembly in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise. The party listing shall also swear to the true

Blanks prepared by aldermen.

What list to contain.

List to be verified.

value of all property, choses in action and other subjects listed, except land, which oath shall be in the following form, to-wit: "I,....., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief: So help me, God." Any person making a false return shall be deemed guilty of perjury. Property held in trust or as an agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists. Persons owning shares in incorporated companies within the city limits taxable by this charter are not required to deliver to the Clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the Clerk a list of all shares of stock held therein and the value thereof, and the tax assessed on shares of stock in such corporation shall be paid by the corporations respectively.

Form of oath.

False return perjury.

Property held in trust returned.

Stock to be listed and tax paid by companies.

Sec. 51. That all bridges, express, gas, manufacturing, street railroads and transportation companies, and all other companies and associations incorporated under the laws of this State, situate or having its principal place of business within the corporate limits of the city, shall, in addition to the other property required by this act to be listed, make out and deliver to the Clerk a sworn statement of the amount of its capital stock, setting forth particularly: First, the name and location of the company or asociation; second, the amount of capital stock authorized and the number of shares into which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market value, or if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property, which real and personal property is listed and valued as other real and personal property is listed and assessed under this charter. The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the Clerk in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement it shall be the duty of the Clerk to make such return or statement from the best information which he can obtain.

Special returns by corporations.

What returns to contain.

Clerk to make up returns on failure of corporations or persons.

Sec. 52. That every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, take out and furnish the Clerk a sworn statement showing:

Special returns from private banks, bankers, brokers, stock-jobbers.

(1) The amount of property on hand or in transit.

(2) The amount of funds in the hands of other banks, bankers, brokers or others subject to draft.

(3) The amount of checks or other cash items not included in either of the preceding items.

(4) The amount of bills receivable and interest accrued but not due, and interest due and unpaid.

(5) The amount of bonds and stocks of every kind, State and county warrants and other municipal securities and shares of capital stock, of joint-stock or other companies or corporations held as an investment, or in any way representing assets.

(6) All other property pertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

(7) The amount of deposits made with them by other parties.

(8) The amount of accounts payable other than current deposit accounts.

(9) The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item.

How items listed.

The aggregate amount of the first, second and third item in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the fourth item shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stock.

Railroad property listed with clerk.

Sec. 53. That all the real and personal property of any railroad, or so much thereof as may be located within the corporate limits of said city, including road-beds, rights of way, main and side-tracks, depot buildings and grounds, section and tool-houses, machine and repair shops, general office buildings and store-houses, rolling stock and personal property necessary for the construction, maintenance and successful operations thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the Clerk in the manner provided by law for the listing and valuation of real and personal property, and shall be taxed as other real and personal property under the rules, regulations and methods now or hereafter to be provided by the General Assembly of North Carolina for ascertaining and listing the value thereof.

To be taxed as other property.

Clerk to examine as to property claimed as exempt.

Such property entered and noted.

Sec. 54. That the Clerk shall be particular to examine each person on oath as to whether he has other property than that stated in his return which he may claim is not liable to taxation. Such property, except bonds of the United States and of this State, shall be entered and noted on the tax list.

Clerk to prepare tax lists.

Sec. 55. That from the returns and lists made as provided by this charter the Clerk shall, within thirty days after the expiration of

the time for taking said lists, make out in two books kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns in the same manner as tax lists are made out by law for the State and county taxes. And the said Clerk shall copy in said book the assessments on file in the Register of Deeds' office for Beaufort County, of all property within the city limits.

Assessment copied from county list.

Sec. 56. That at the meeting in June of each year the Board of Aldermen shall assess the tax for that year upon all property subject to *ad valorem* taxes, and as soon as the said property is listed the City Clerk shall compute the taxes due from each person in the same manner as the Register of Deeds or other officer is required to compute the State and county taxes, and shall, on or before the 1st day of September, complete the said tax lists, making two copies thereof.

Aldermen to assess tax at June meeting.

Clerk to compute taxes.

Lists to be completed by September.

Sec. 57. That the Mayor and Board of Aldermen shall, not later than the 1st day of September of each year, turn one of said lists over to the City Tax Collector, and shall endorse thereon an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged in such list; said order shall be in the following or similar form:

Lists turned over to tax collector.

Order to collect.

Force of order.

Form of order.

State of North Carolina,
Office Mayor and Board of Aldermen of
City of Washington.

To the Tax Collector of the City of Washington:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the law as set out in the charter of said city.

In witness whereof, the Mayor and two of the Aldermen of said city have hereunto set their hands and affixed the seal of said city, this the....day of.....

.....
Mayor.

(Seal). .....
Alderman.

.....
Alderman.

Sec. 58. That the City Tax Collector shall have the same right to garnishee any property or chose in action belonging to or due to any person for the collection of the taxes due the city as sheriffs or tax collectors have for the collection of taxes due the State and county of Beaufort.

Right of tax collector to garnishee.

Attendance to receive taxes.

Sec. 59. That the City Tax Collector shall attend at the city hall each day, Sundays and legal holidays excepted, during the month of October of each year for the purpose of receiving taxes.

Mode of selling property for taxes.

Sec. 60. That whenever it may be necessary to sell any real estate or personal property to collect any taxes due the city the City Tax Collector shall pursue the method provided by law for sales for taxes by the Sheriff or Tax Collector of Beaufort County for the

Powers of tax collector.

collection of State and county taxes, and shall have all the authority vested in such Sheriffs or Tax Collectors for Beaufort County, and the acts of the City Tax Collector shall be received in evidence and be evidence of the same character as the acts of the Sheriff or Tax Collector of Beaufort County in collecting State and county taxes.

Sales of real estate first Monday in April.

That all sales of real estate due the city shall be made on the 1st Monday in April of each year.

Lien for taxes on first of June.

Sec. 61. That the lien of city taxes levied for all purposes in each year shall attach to all real property subject to such taxes on the

Lien paramount and to continue.

first day of June annually, and shall be paramount to all other liens and continue until such taxes, with any penalty which shall accrue

Personal property may be seized and sold.

thereon, shall be paid. All personal property in said city subject to taxation shall be liable to be seized and sold for taxes by said

Personal property liable in hands of executor or administrator.

Tax Collector, and the personal property of any deceased person therein shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and

Property assigned liable in hands of assignee.

any property, whether real or personal, in said city, conveyed or assigned after the first day of June in any year to any trustee or trustees, assignee or assignees for the benefit of creditors shall be liable in the hands of such trustee or trustees, assignee or assignees for all taxes levied, laid or assessed upon the same in that year, and may be sold for the payment of such taxes in the same manner as if such conveyances or assignment had not been made.

MISCELLANEOUS.

Excavations under and encroachments on sidewalks.

Sec. 62. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalks; nor shall any veranda, piazza, platform, entrance, stair-way, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any sidewalk in the city unless annually licensed and taxed by the board, and if the free and safe passage of persons be hindered, obstructed, delayed or in anywise endangered thereby, then no license shall issue therefor.

Books and records open to the public.

Sec. 63. That all the books, records, documents and papers of every name and nature belonging to the city government, or to the officers thereof, in the performance of their official duties, shall be open to the inspection of any citizen and tax payer of the city at all times during ordinary business hours.

Officers to report receipts and disbursements.

Sec. 64. That on the first Monday of April in each year all of the officers of the city shall make out and file with the finance committee a fair transcript of all receipts and disbursements in the department over which they preside; all of the officers of the city having any of the property of the city in charge shall report an inventory of the same, and each committee of the Board of Aldermen shall submit annual reports, all of which the Board of Aldermen shall cause to be printed in book form for the general information of the citizens.

Inventory of city property.

Reports of committees.

To be printed.

Removal of officer for misbehavior or neglect.

Sec. 65. That any officer or employee not elected by a vote of the people [may] be removed from office or employment at any time by a majority vote of the board for misbehavior or neglect of official duty; and if any officer shall fail to give the bond required by the board or by this act his office shall *ipso facto* be vacant.

Failure to give bond to vacate office.

County commissioners not to grant liquor license without consent of city.

Sec. 66. That it shall not be lawful for the Commissioners of Beaufort County to grant any license to sell spirituous, vinous or malt liquors within the limits of the city, or within one mile thereof, without permission in writing, attested by the Clerk of the Board of Aldermen and exhibited to the County Commissioners and filed with the clerk of the Board of County Commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment as in other cases of selling without license, and for every offense of selling shall moreover forfeit and pay to the city the sum of twenty dollars.

License void.

Penalty.

Officers and employees not to speculate in city scrip.

Sec. 67. It shall be unlawful for any officer or officers, appointee or appointees, employee or employees of said city to speculate in or purchase at a discount any claim, paper or evidence of indebtedness, whether allowed or not allowed, or disallowed, of said city, or of the county of Beaufort. The provisions of this section shall apply to any person and every person employed in any capacity by said city, and shall hold good throughout the entire period of such employment and for six months after the termination thereof, and any violation of this section shall cause the forfeiture of every such claim, paper and evidence of indebtedness which shall have been so speculated in or purchased at a discount, and the payment thereof by said city and by said county is prohibited.

Penalty.

Forfeiture of claim.

Aldermen not to grant monopolies.

Sec. 68. That the Board of Aldermen shall not have the power to give, grant or sell any exclusive privilege, franchise or charter for any purpose. That no franchise to use the streets of the city shall be given to any railroad, street railroad, telephone, telegraph, gas, water or sewer company or other corporation; that all privileges, franchises and charters whatsoever granted by the Board of Aldermen of said city, and all ordinances conferring such privileges, shall retain to the board the right at any and all times to regulate and control the manner of using such privileges, franchises and charters, and the use thereof shall always be under the control and

No franchise to use streets.

All franchises granted to retain the right of city to control.

No franchise longer than 30 years.

regulation of the Board of Aldermen, and no franchise, charter or privilege shall be sold or granted for a longer period than thirty years.

No action to be instituted until demand made.

Sec. 69. No action shall be instituted or maintained against said city upon any claim or demand whatsoever of any kind or character until the claimant shall have first presented his or her demand in writing to said Board of Aldermen, and said Board of Aldermen shall have declined to pay or settle the same as presented, or for thirty days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations prescribed by laws from commencing to run at the time such claim accrued or demand arose, or to in any manner interfere with its running.

Statute of limitations.

No action for damages unless claim filed within 90 days.

Sec. 70. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless within ninety days after the happening or infliction of the injury complained of, the complainant, his executors or administrators shall have given notice to the Board of Aldermen of said city of such injury in writing, stating in such notice the date and place of the happening or infliction of such wrong, the character of the injury and the amount of damages claimed therefor; but this shall not prevent any statute of limitations prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Statute of limitations.

No fees or costs of magistrates to be charged against the city.

Sec. 71. That no fees or costs of magistrates or other officers for the arrest or trial of persons charged with misdemeanors, including vagrancy, shall be assessed upon or collected out of the city.

Contracts over $200 to be written.

Sec. 72. That all the work to be done for the city wherein the total amount for material and labor shall exceed the sum of two hundred dollars shall be let out only on written contract, and no work shall be subdivided so as to defeat the operation of this section.

No work subdivided.

No officer or employee to be interested in contract with city.

Penalty: forfeiture of office and contract to be void.

Sec. 73. No Mayor, Alderman or other officer, appointee or employee of said city shall become a contractor for work to be done by said city, or subcontractor therefor, or employed or interested therein, directly or indirectly, and any person herein offending shall, by the very act, forfeit his office or employment, and shall also be guilty of a misdemeanor, and said Board of Aldermen shall declare any such contract to be null and void.

City may establish sewerage system, pave streets and sidewalks, estalish water-works, gas, electric or other light plant.

Build and own city hall and market house.

Sec. 74. That the city of Washington may establish a system of sewerage; may pave its streets and sidewalks; may establish a system of water-works; may establish a gas, electric or other plant for furnishing lights; may build and own a city hall and market house, and may own and operate any or all of these improvements, and may make other public improvements, and may purchase any

system of sewerage, water-works, gas, electric or other plant for furnishing lights; and if the owner of such system of sewerage, water-works, gas, electric or other plant for furnishing lights cannot agree with the city authorities as to the price to be paid therefor, may condemn the same for the use of the city, and may furnish lights, water or sewerage to the inhabitants of said city and may apportion the cost of the same equally among the inhabitants; and for the purpose of providing such improvements may as, and when the Board of Aldermen may determine, issue its bonds from time to time, to an amount not exceeding in the aggregate the sum of twenty-five thousand ($25,000) dollars, in such denominations and in such proportions as the Board of Aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly or yearly, at such times and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times not exceeding fifty (50) years from the date thereof, and at such place or places as the Board of Aldermen may determine; said bonds may be issued for any of said purposes, or for two or more, or for all, and may be made payable in gold coin of the United States of the present standard of weight and fineness.

Other public improvements. May purchase such systems. Or may condemn same for use of city.

May issue bonds for improvements. Amount of issue.

Interest.

Form of bonds.

When and where payable.

May be payable in gold coin.

Sec. 75. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value and accrued interest, nor shall said bonds or their proceeds be used for any other purposes than those declared in said section.

Bonds not to be sold below par.

Sec. 76. That the bonds authorized to be issued by section seventy-six (76) hereof and their coupons shall not be subject to taxation by the said city until after they become due, and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of city taxes or other city dues for any fiscal year in which said coupons become due or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Bonds and coupons exempt from city taxation until past due.

Coupons receivable for city taxes.

No interest after maturity.

Sec. 77. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the Board of Aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a special tax on all persons and subjects of taxation on which the said Board of Aldermen now or may hereafter be authorized to lay and levy taxes for any purpose whatever, said special tax not to be less than five nor more than twenty cents on the one hundred dollars assessed

Special tax for payment of interest and bonds.

Tax rate.

in valuation on property and not less than fifteen nor more than sixty cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at the maturity of the principal of the said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay the said interest, the Board of Aldermen shall appoint some suitable person, to be styled "Commissioner of the Sinking Fund of the City of Washington," who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said Board of Aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services in connection with said bonds as said Board of Aldermen may prescribe; and such commissioner shall give bond and receive such compensation for his services as said Board of Aldermen may determine.

To be collected as other city taxes.

To be kept separate and applied exclusively to purpose for which collected.

Investment of surplus.

Commissioner of sinking fund.

To invest surplus of taxes.

Other services.

Compensation and bond.

Sec. 78. That before any of the bonds herein provided for shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said city, after thirty days' notice in some newspaper published in said city, at an election to be held under the same rules and regulations as are herein prescribed by law for election of Mayor and Aldermen for said city. Such notice shall set forth the object for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and levying and collecting the taxes to pay the same shall deposit in a separate ballot box a written or printed ballot with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot, with the word "Disapproved" thereon. If at such election a majority of the qualified voters shall vote "Approved," then the Board of Aldermen shall issue the bonds provided for in such notice, and shall levy and order the collection of the taxes therein named and authorized by this act. At such election, upon the proper notice being given as herein provided for, the issuing of bonds for more than one purpose, within the meaning of this act, may be voted on in separate ballot boxes, under the same rules and regulations as are named above; but in such case the ballots shall contain the purpose of the bonds, with the words "Approved" or

Election to be held.

Notice of election.

What notice shall contain.

Ballots.

Majority of qualified votes to govern.

Election may be upon bonds for more than one purpose.

Ballots in such case.

"Disapproved," as the elector desires, following. Said election may be held from time to time as the Board of Aldermen may determine, and if at any such election a majority of qualified voters vote "Disapproved," the same or a different proposition may be submitted to the qualified voters at any other election, under the provisions of this act. If bonds disapproved further elections may be held.

Sec. 79. That when any land or right of way, or any other property, shall be required by said city of Washington for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or from the owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the Aldermen, who shall receive a per diem of one dollar each; and in making said valuation said freeholders, after being duly sworn by the Mayor or a justice of the peace of the county, or a Clerk of a Court of Record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way or other property being surrendered, also, any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage shall constitute the measure of valuation of said land or right of way: *Provided, nevertheless,* that if any person over whose land the said street may pass, or improvement be erected, or whose property is taken, or the Aldermen shall be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next Superior Court of Beaufort County to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation, with the proceeding thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the Clerk of the Superior Court (in case of its refusal by the owner of the land): *Provided,* the land upon its reversion to the owner the city may remove any improvement erected under its authority and expense within sixty days after such reversion.

Land condemned for streets or other objects.

How valued.

Loss and damage and benefit and advantages to be considered.

Excess of damage to be valuation.

Proviso: right of appeal.

Valuation to be returned.

Land to vest in city.

Proviso: city may remove improvements on reversion of land.

CRIMES AND PENALTIES.

Sec. 80. That in addition to the crimes and penalties hereinbefore enumerated, and in addition to the crimes and penalties denounced by the Public Laws of North Carolina applicable hereto, are these:

Additional offences.

(1) Any person who, having entered, sojourned and remained in the city of Washington in the capacity of a State or county officer, clerk or employee, or as a teacher, student or employee of any public or private school therein, or as an officer, employee or inmate of

Temporary resident offering or attempting to register or vote, or registering or voting.

any hospital, asylum, soldiers' home, or other institution or temporary employment, residence or detention whatsoever, and while so sojourning or remaining in any such capacity shall offer or attempt to register as a voter or to vote therein, or who shall register or vote therein, and any person who shall advise, counsel, aid or assist any such person to register or to vote therein, and any registrar, judge, poll holder or other officer of registration or election in the city whatsoever who shall willfully or knowingly register the name or poll the vote of any such person or permit it to be done in his precinct, shall, for every such offense, forfeit and pay a fine of fifty dollars or be imprisoned at hard labor thirty days, and if, at the expiration of thirty days from the filing of authentic information of such offense before the Mayor, he shall have failed to prosecute the offender or to enforce the penalty herein provided, then any elector who will first sue in the name of the city before the Mayor or the Superior Court of Beaufort County may recover such fine or fines to his own use, enforce the payment thereof and of the costs as herein provided in case of non-payment to the city. This shall not apply to any person moving to said city intending to make it his permanent home.

Accessories.

Registrars or pollholders allowing such persons to register or vote.

Forfeit $50 or imprisonment for 30 days.

If mayor fail to prosecute fine to be to use of elector suing for same.

Not apply to person intending permanent residence.

(2) Every Mayor of the city of Washington who shall fail, neglect or refuse to attend at and keep open his office for the transaction of official business as required by this act, without good and sufficient reasons satisfactory to the Board of Aldermen, shall be removed from the office by the Board of Aldermen, three-fourths of the members concurring therein.

Mayor failing to attend and keep office open to be removed.

(3) Any Mayor or member of the Board of Aldermen who shall fail, neglect or refuse in due time to call and provide for the election by the people of city officers, and for other purposes prescribed in this act; every officer of the city of Washington who shall fail, neglect or refuse to keep proper books of account showing all their transactions with the city, or to make proper returns and reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the Mayor as required by the provisions of this act, or who, having been elected to the office of Mayor, Alderman or other officer of the city with his full knowledge and consent, shall fail, neglect or refuse to qualify, or who, having been elected to such office, shall enter upon duty or attempt to do so without having first taken, subscribed and filed with the Clerk the oath of office and given the bond (if any) required by the provisions of this act, shall be guilty of a misdemeanor, and upon satisfactory proof thereof before the Mayor, or before the Superior Court of Beaufort County, in case the Mayor be accused, shall be imprisoned not exceeding thirty days.

Mayor or aldermen failing to call election.

Officer failing to keep proper books.

Or make proper returns and reports.

Or to keep books open for inspection.

Or to account for fines, penalties and forfeitures.

Or shall fail to qualify as mayor or alderman, when elected.

Or shall enter upon duty without qualifying.

Shall be guilty of a misdemeanor.

And imprisoned not exceeding 30 days.

(4) Any Alderman of the city who shall fail, neglect or refuse to attend any regular meeting of the board, or any special meeting called by a majority of the board in which he joined; or who, having had written notice, by mail or otherwise, of a special meeting of the board called by the Mayor, or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting thereof, or to give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse thereof, shall forfeit and pay to the Chief of Police to the use of the city the sum of three dollars for each offense: *Provided*, that if any Alderman be absent from three successive regular meetings of the board without a satisfactory excuse therefor it shall be the duty of the Board of Aldermen to declare his office vacant and proceed to elect his successor.

Alderman failing to attend board meeting.

Or give satisfactory excuse.

Shall forfeit $3.

Proviso: alderman absent from three meetings to forfeit office.

(5) Any Alderman or other officer of the city who shall vote for, support or contract any debt against the city for purposes other than the necessary current expenses of the city without the money in the treasury available for its payment; or who shall make any appropriation, donation, gift, transfer or payment, directly or indirectly, or any money, property or credit of the city for any use or purpose other than for the exclusive use and benefit of the city of Washington, and of the people resident therein, unless herein otherwise provided, shall be guilty of an infamous crime, and upon conviction thereof in the Superior Court shall be adjudged to pay a fine of not less than $1,000 nor more than $5,000, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment, in the discretion of the court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred. Nothing herein contained shall prevent the city from aiding the State Guard located in the city.

Alderman or other officer who shall vote for, support or contract debt, except for current expenses, without money available for payment.

Or make any appropriation of money, property or credit of city for any use than benefit of city.

Shall be guilty of an infamous crime.

Fine not less than $1,000 nor more than $5,000.

Or imprisonment not less than one year nor more than five or both fine and imprisonment.

Liable in civil action.

City may aid State Guard.

(6) Any person whose duty it shall be as principal, agent, attorney, trustee, officer or otherwise, for an individual, company, association, corporation or otherwise, to make, return, list or report of property or poll for taxation under the provisions of this act, who shall fail, neglect or refuse to list the same, or shall list the name of any other than the true owner; or who, being interrogated by the Clerk or any member of the Board of Equalization respecting such property, shall refuse to answer or shall answer falsely concerning the same; or who shall refuse to fill out, subscribe and make oath to his return of such property or poll for taxation; and any person who shall interfere and by threats, force or violence prevent or attempt to prevent the lawful removal of any person into any hospital within or without the city by the authorities thereof; or who shall excavate, construct, build, use, keep or maintain any

Persons who fail to list property for taxation.

Or make false return.

Or shall refuse to make out and verify return.

Or attempt to prevent removal of any person to hospital.

Or excavate, etc., under sidewalk.

Or build, etc., upon or over sidewalk.

cellar, basement, area, passage, entrance or any way under any sidewalk, or build, construct, keep, use or maintain any veranda, piazza, platform, building or stair-way or other projection or construction upon or over any sidewalk in the city whereby the free and safe passage of persons may be hindered, delayed, obstructed or in any way endangered, or who shall engage in the business of an auctioneer, or the keeping of a bucket, junk or pawn shop, or the sale of spirituous, vinous or malt liquors without having first taken out a license therefor; or who, being a resident freeholder, shall refuse to serve as such for the condemnation of land when thereunto required by the Board of Aldermen, shall be guilty of a misdemeanor, and upon satisfactory proof before the Mayor shall be adjudged to pay for every offense a fine not exceeding fifty dollars or be imprisoned not exceeding thirty days.

Or engage in certain business without license.

Or refuse to act as appraiser.

Misdemeanor.

Penalty.

Person removing street or line monuments.

(7) Any person who shall remove, deface, injure or destroy any monument placed at the central intersection or prolongation of the line of any public street, or on the line of any ward, or on the exterior lines and points of intersection of the corporate limits of the city; or who shall place or maintain upon any of said lines or any of the prolongations of the public streets of the city to the exterior boundaries, any obstruction to the line of sight from any one corner, intersection, monument or natural elevation thereof, or who shall aid, advise or procure any such removal, defacement, injury, destruction or obstruction, shall be guilty of a misdemeanor, and upon conviction thereof before the Mayor he shall forfeit and pay for every such offense the sum of fifty dollars, and in addition thereto for every day in which such obstruction is maintained after five days' notice to remove the same, he shall forfeit and pay the sum of five dollars, and he shall be imprisoned until such fine or fines and the costs are paid by work upon the public streets, roads or other works of the city or county at the rate of one dollar a day. And one-half of all such fine or fines shall go to any complainant or informer, other than a city official, who shall also furnish evidence to convict the offender.

Or placing obstructions to line of sight.

Or aiding or abetting. Misdemeanor.

Penalty.

Continuous offense.

One-half fines to complainant.

False alarm of fire.

(8) That any person not lawfully authorized who shall give, or knowingly cause to be given, any false alarm of fire by means of the fire alarm system of the city, or who shall willfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall upon conviction be fined fifty dollars or imprisoned thirty days.

Misdemeanor.

Penalty.

Person connected with town government using special tax for other purposes.

(9) That if any person connected with the town government shall use or cause to be used, or knowingly permit to be used, any moneys arising from any special tax levied for the purpose of paying any bonds by the town, to any other purpose than that for which the same is levied, the said person or persons shall be guilty of a felony and fined or imprisoned in the discretion of the court.

Felony. Penalty in discretion of court.

This shall not apply to investments made by the commissioners of the sinking fund, to whom any surplus shall be turned over by the city authorities. Not to apply to investments of sinking fund.

Sec. 81. That all penalties imposed under the provisions of this act or of any ordinance, by-law or regulation of the city, unless herein otherwise provided, shall be recoverable in the name of the city of Washington before the Mayor, and all such penalties incurred by any minor shall be recovered from the parent, guardian or master, as the case may be, of such minor. How penalties recovered. Penalties incurred by minor.

OFFICIAL BONDS AND SECURITY.

Sec. 82. That each of the following named officers shall, before entering upon duty, give a good and sufficient bond conditioned for the faithful performance of the duties of his office, with two or more sureties, justified in a sum not less than the penalties of the bond over and above all their just debts and liabilities and the exemptions allowed by law, to be approved and certified as satisfactory by the Board of Aldermen and recorded by the Clerk as follows, to-wit: Bonds. Sureties justified. To be approved by aldermen and recorded by clerk.

(1) The Chief of Police shall give a bond in the penalty of $2,000. Chief of police.

(2) The City Clerk shall give a bond in the penalty of $1,000. City clerk.

(3) The Tax Collector shall give a bond in a penal sum of not less than $10,000. Tax collector.

(4) The Treasurer shall give a bond in a penal sum not less than $10,000. Treasurer.

(5) The Commissioners of the Sinking Fund shall give a bond in a penal sum not less than $2,500. Commissioners of sinking fund.

(6) The Sanitary Inspector shall give a bond in the penal sum of $1,000. Sanitary inspector.

Provided, that the bonds herein provided for may be given with such surety company as surety thereto, as are now or may hereafter be allowed to execute similar bonds under the general laws of the State. Such bonds shall be carefully examined and certified anew by the Board of Aldermen annually, during the month of May. If the security of any of such bonds shall become impaired, or if for any reason or cause the security shall be adjudged insufficient to cover the amount of public money or other property in the custody of the officer, then the bond shall be renewed and the insufficient security shall be increased and the impaired shall be made good, but such renewal shall not make "cumulative," thereby doubling the penalty of the bond, and law to the contrary notwithstanding. And for any breach of any such bond he shall be liable in an action on the same in the name of the city at the suit of the city or any person aggrieved by such breach, and the same may be put in suit Proviso: bond may be secured by surety company. Bonds examined and certified anew. Security impaired or insufficient, bond to be renewed. Security increased and impairment made good. How bond enforced.

without assignment from time to time until the whole penalty is recovered.

SALARIES AND FEES.

Salaries.

Sec. 83. That in addition to the salaries, fees and allowances hereinbefore prescribed, there shall be allowed the following:

Mayor.

(1) To the Mayor, $200 a year and the fees of his office.

Chief of police.

(2) To the Chief of Police, not exceeding $50 a month, and all fees due to him shall go to the city.

City clerk.

(3) To the City Clerk, for his services to the city as such Clerk, per month, payable by the city, $30.

Tax collector.

(4) To the Tax Collector, for his services as such under the provisions of this act, a single commission not exceeding five per centum of the taxes by him collected and paid to the Treasurer, to be counted from the Treasurer's receipts of such payment, the board may allow a fixed salary in place of commissions.

Treasurer.

(5) To the Treasurer, for his services as such under the provisions of this act, a single commission not exceeding three-fourths of one per centum of the amount actually received.

Commissioner of sinking fund.

(6) To the Commissioner of the Sinking Fund, for his services as such under the provisions of this act, not exceeding $50 per year.

Other officers.

(7) To any other officer prescribed or authorized by any of the provisions of this act such salary, fees or commissions as to the Board of Aldermen may seem just and proper, not exceeding that prescribed for like or similar service in this section.

Finance committee.

(8) Finance Committee, each member not exceeding $20 a year.

Committee on improvements.

Sec. 84. The Board of Aldermen shall appoint three suitable persons, freeholders of said city and not Aldermen, who shall be designated Committee on Improvements, and who shall serve without salary. It shall be the duty of said committee to make contracts for the performance of all the public work, to pay for which said bonds may be issued as provided in section 74, which said contracts shall be approved by the Board of Aldermen at a regular or special meeting. All warrants or accounts for said work herein provided for shall be approved and audited by said committee before the same shall be audited and paid by the Board of Aldermen or the Treasurer of said city. All of said improvements herein provided for shall be under the general supervision and control of said Committee on Improvements.

Committee to make contracts.

To be approved by Board of Aldermen.

Warrants and accounts to be approved by committee.

Improvements under supervision of committee.

Act of 1903 made part of this act.

Sec. 85. The several sections and provisions of an act of the General Assembly ratified February 9th, 1903, entitled "An act to authorize the Board of Commissioners of the town of Washington, North Carolina, to issue bonds to pay its existing indebtedness," are hereby made a part of this act, with following amendments, viz.: Where figures or words 1933 occur in section two (2) of said act of February 9th, 1903, they shall be changed to nineteen hundred

Dates changed.

and thirty-eight (1938), and where words or figures nineteen hundred and eighteen (1918) occur in said section of said act they shall be changed so as to read nineteen hundred and twenty-three, and where words or figures 1917 occur in the 4th section of said act of February 9th, 1903, they shall be changed so as to read nineteen hundred and twenty-two (1922). All the bonds issued in pursuance of this act or the act ratified February 9th, 1903, shall be exempt from municipal taxation by said city, and all shall be payable in the gold coin of the United States, and the coupons receivable in payment of taxes by said city and the interest upon all shall be payable semi-annually upon 1st days of November and May of each year at such place as the Board of Aldermen may designate.

Bonds exempt from city tax.

Payable in gold coin.

Coupons receivable for taxes.

Interest payable semi-annually.

Sec. 86. It is further provided that the Board of Aldermen shall have full power and authority in their discretion to make the twenty-five thousand dollars of improvement bonds provided for in section seventy-four of this act of incorporation payable in like manner as to principal and interest and in all respects a similar bond to those described in section 84 of this act and in the act of February 9th, 1903, as amended by said section. And in case said Board of Aldermen shall so determine they shall submit the same to a vote in same manner and form as is provided hereinbefore in reference to the bonds described in section 74 of this act.

Bonds may be made uniform.

To be submitted to vote.

Sec. 87. Upon ratification of this act it shall be the duty of the Secretary of State at once to forward to the present Board of Commissioners of the town of Washington a certified copy of this act, for which the said board shall pay to said Secretary his fee allowed by law.

Secretary of State to send copy on payment of fees.

Sec. 88. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 27th day of February, A. D. 1903.

Chapter 171.

AN ACT TO INCORPORATE THE HOME SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That George W. Watts, Benjamin N. Duke, William A. Erwin, Isham F. Hill, James B. Mason, Sidney C. Chambers and John Sprunt Hill, together with such other persons as they may associate with them, their successors and assigns, be and hereby are created and constituted a body politic and corporate under the name and style of "Home Savings Bank," by which name they may sue

Incorporators.

Body politic.

Corporate name.

Powers.

and be sued, plead and be impleaded, and shall have the right to adopt and use a common seal and make such by-laws, rules and regulations as they may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continual succession for the term of sixty years, with all the rights and privileges of corporations and banks under the general laws of the State.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be fifty thousand ($50,000) dollars, divided into two thousand (2,000) shares of twenty-five ($25) dollars each, which said capital stock may be increased at any time, or from time to time, by a vote of a majority of the stockholders, to any sum not exceeding five hundred thousand ($500,000) dollars: *Provided*, fees for such increase be paid to Secretary of State as provided by law in such cases.

Par value of shares.
Increase of stock.

Books of subscription.

Sec. 3. That the incorporators named in the first section of this act, or any five of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times and at such places and for such purpose as they shall determine, and the stockholders at any general meeting called for the organization of said corporation may at their discretion from time to time reopen books of subscription to said capital stock until the same as herein limited be fully taken. That any individual, corporation, company, co-partnership, *feme covert* or minor shall have the right, and the same is hereby given to it or them, to subscribe for and take stock in this corporation. The stockholders of the corporation shall be individually liable, equally and ratably, and not one for another, for all contracts and debts of the corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amounts invested in such stock.

Married women and minors.

Individual liability.

May organize, when and how.

Sec. 4. Whenever fifty thousand ($50,000) dollars shall be subscribed to the capital stock of said corporation the above incorporators, or any five of them, shall call a meeting of the subscribers to the said stock at such time and place and on such notice as they may deem sufficient, for the purpose of organizing said corporation. And such stockholders shall elect such directors as they may deem proper, who shall hold office for one year and until their successors shall be chosen, and said directors shall elect a president, a vice-president and a cashier of said corporation, to serve during their continuance in office. That the president and directors of said corporation may choose and bond all necessary officers and agents and fix their compensation, and require such bonds of officers and agents as they may deem proper, and shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders. They may regulate the terms and rate on which dis-

Directors.

Officers.

Compensation and bonds.

Powers.

By-laws.

counts and loans may be made and deposits received, not inconsistent with the laws of the State; they shall fill all vacancies occurring in their own board and among the officers and agents of the corporation; they may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote. Vacancies. Voting power.

Sec. 5. The said corporation is especially invested with the power and authority to carry on and conduct a savings bank business in all its branches; may receive deposits in very small sums, the limits to be fixed by the board of directors, and may pay interest thereon at fixed rates according as may be agreed upon between the corporation and its depositors, and the board of directors are hereby fully authorized to make all necessary rules and regulations for carrying into effect the different features of this branch of the corporation. Savings bank business.

Sec. 6. All deposits of money in said savings bank shall be entered in the books of the corporation, and a book shall be given to each depositor, in which the sum deposited shall be entered, and which shall be the voucher or evidence of the property of the depositor in the hands of the corporation. On making his first deposit the depositor shall be required to subscribe his or her name to the regulations and rules of the corporation, and such signature shall conclusively signify his assent thereto. The possession and presentation by any person to whom a pass book shall have been issued, unless the same has been assigned, shall be sufficient authority to the corporation to warrant any payment made by it, and shall be conclusive evidence as to the right of such person so presenting said pass book to such payment, and all payments to such persons producing the pass books issued by the corporation shall be valid payments to discharge the corporation. Rules and regulations.

Sec. 7. Whenever any deposit shall be made by or in the name of any person being a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor and free from all control or lien of any person except creditors, and shall be paid, together with interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be valid and sufficient release and discharge for such deposit or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the corporation, in the event of the death of the trustee the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made. Married women and minors. Deposits in trust.

Sec. 8. In case the pass book of a depositor is lost, or the officers of this corporation shall doubt the identity of any person claiming a Pass books, etc.

deposit, or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and demand an adequate bond of indemnity against any other claim or demand before paying such deposit, or any part of it. But no assignment or transfer of a pass book and deposit shall be binding on said corporation, or have any legal force or effect, unless said corporation assent in writing to such transfer or assignment.

Depository for funds of trustees, public officers, etc.

Sec. 9. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation.

Powers.

Sec. 10. That said corporation shall be and is hereby authorized and empowered to invest its capital stock or the funds of said corporation, or any money or funds that may be deposited with said corporation from time to time, in the stocks, bonds and other securities of the United States, of this or any other State of the United States, or of any corporation, or in any stock or paper whatsoever, and to dispose of the same in such manner as may appear to said corporation to be most advantageous.

General banking business.

Sec. 11. That said corporation shall be and is hereby empowered to do a general banking business, receive deposits, make loans and discounts, to obtain and procure loans for any person, company, corporation or co-partnership; to invest its own money or the money of others; to lend and invest money on the bond or security of mortgage, pledge or deed of trust, or invest in any land or hereditament or personal property or interest therein of any description situate anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action and any and all negotiable or commercial paper, or any credits or other personal property, and shall invest or dispose of the same, and to charge such interest or fee as may be lawful, and may receive such interest at the time of making such transaction or at any other time.

Interest in advance.

Powers.

Sec. 12. That said corporation may subscribe to, purchase or acquire or lend money upon stock, shares, notes, bonds or debentures, or may subscribe to, purchase, acquire or lend money upon the securities of any government, State, municipality, corporation, company, co-partnership or person.

Safety deposit business.

Sec. 13. That said corporation be and is hereby authorized and empowered to receive and keep on deposit all funds, gold, silver or paper money, bullion, precious metals, jewels, plates, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind or any other article or thing whatsoever, which may be loaned on deposit for safe-keeping with said corporation, and shall be entitled to charge such commissions

or compensation therefor as may be agreed upon; to have the complete preservation and safe-keeping thereof; may construct and erect or purchase such fire and burglar-proof buildings, vaults, safes or other means which may become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping or preservation of all such articles or valuables as may be deposited with said corporation.

Agency and commission business.

Sec. 14. That said corporation shall have the right to act as agent, factor or trustee for any State, city, town, municipality, corporation, company or individual on such terms as to the agency and commissions as may be agreed upon in negotiating, selling and countersigning, acquiring, holding, dealing in, disposing of any bond of any city, State, county, town, municipal corporation, company or person, bond, certificates of stock of any description, or property real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business may have and charge such premium, commission or rate of compensation as may be agreed upon, and for any of the matters and things authorized by this section.

May hold property.

Sec. 15. That said corporation may purchase and hold all such real and personal property as may be necessary for its business purposes and such as may be convenient to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation or sold in any action or by any order of any court to satisfy any debt due to it, and may sell and convey or exchange or improve the same at pleasure, and use and invest the proceeds thereof as may be deemed best. And whenever any real estate or personal property upon which the corporation may have a lien of any kind shall be exposed to sale under authority of law, the president or cashier of this corporation may purchase the same for and on behalf of the corporation, and such purchase, though made at a sale by the corporation as trustee, shall be valid and binding upon all the parties having or claiming an interest therein.

May purchase at its own foreclosure sale.

May act as trustee, executor, guardian, etc.

Sec. 16. That the said corporation be and it hereby is authorized and empowered to accept and exercise any trust of any description which may with its consent be contracted or transferred to it by any person or persons whomsoever, by any bodies corporate or public or by any court of the State of North Carolina or of the United States, and to accept the appointment to office of executor or administrator or trustee or assignee of any kind or nature, wherever such office or appointment is made or conferred to any person or persons, or by any court of competent jurisdiction of this State, or any one of the United States, or of the United States, and in all cases where application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian or committee of

a lunatic, it shall and may be lawful for such court to appoint said corporation, with its assent, such a receiver, trustee, administrator, assignee, guardian or committee, and when any person shall appoint the said corporation executor of his or her last will, or any court shall appoint said corporation a receiver, trustee, administrator, assignee, guardian or committee, and shall order the deposit of any money with the said corporation, the corporate stock as paid in shall be taken and considered as the security required by all for the faithful performance as such executor, administrator, trustee, assignee, receiver or executor or committee, and shall be absolutely liable for any default, and on application thereof the court may require the said corporation to give such other and further security as it may judge to be expedient, and the court on demand may, if necessary, examine the officers of the corporation under oath or affirmation as to the sufficiency of its capital stock as such security. The amounts received by said corporation as such receiver, trustee, executor, administrator, guardian or committee shall be regularly adjusted and settled before such court or officer as shall have jurisdiction thereof, and which said court or officer shall, upon such adjustment and settlement being made, allow to said corporation all proper and legal and customary costs and charges and commissions for its care and management of the trust estates aforesaid. The said corporation as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be subject to all orders and decrees by the proper tribunal under the laws of this State.

Undertaking and surety.

Subject to orders of court.

Discretionary powers.

Sec. 17. The said corporation shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities, but all such investments shall be at the sole risk of the corporation, and for any losses by reason of such investments the capital stock, property, effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the yearly rents and profits of any trust estate within its hands; but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Dealings with trust estates.

Transfer of stock.

Sec. 18. That the stock of this corporation held by any one shall be transferred only on the books of the corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors of the corporation if he be indebted to the corporation as principal, security or otherwise, until such obligation or indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder: *Provided*, this

Form of certificate of stock.

condition is printed on the certificates of stock issued by the corporation.

Sec. 19. That the principal office of said corporation shall be in the city of Durham, North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable. Principal office. Branch offices.

Sec. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 172.

AN ACT TO INCORPORATE THE DURHAM LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Benjamin N. Duke, George W. Watts, Edward P. Wharton, James B. Mason, Louis A. Carr, Hill C. Linthicum, John W. Burroughs, William T. O'Brien and John Sprunt Hill, together with such other persons as they may associate with them, their successors and assigns, be and hereby are created and constituted a body politic and corporate under the name of "Durham Loan and Trust Company," by which name they may sue and be sued, plead and defend, and shall have the right to adopt and use a common seal and to make such by-laws, rules and regulations as they may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continual succession for the term of sixty years, with all the rights and privileges, powers and franchises pertaining to a corporation. Incorporators. Body politic. Corporate name. By-laws. Term.

Sec. 2. That the capital stock of said corporation shall be one hundred thousand ($100,000) dollars, divided into one thousand (1,000) shares of one hundred ($100) dollars each, which said capital stock may be increased at any time or from time to time by a vote of a majority of the stockholders to any sum not exceeding one million ($1,000,000) dollars: *Provided*, such fees for such increase be paid to Secretary of State as provided by law in such cases. When said one hundred thousand ($100,000) dollars of said capital stock is subscribed the corporators above named, or any five of them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than five (5) nor more than fifteen (15) persons, who shall serve for one (1) year or more, or until their successors are elected and qualified, unless it be otherwise provided in the by-laws adopted at said meeting. And said directors so chosen shall proceed to elect a president, whose term shall expire at the Capital stock. Shares. Increase of same. Organization. Directors. Term of office. Election of officers.

expiration of the term of the directors, unless it be also otherwise provided, and said board of directors shall elect at such time as they shall see fit a vice-president, a secretary and a treasurer and such other officers as they think necessary, and increase or diminish the number of said officers at pleasure, and no person shall be elected a director, president, vice-president or treasurer unless he be a stockholder in said corporation. The directors shall require of the treasurer and such other officers of the said corporation as they may deem advisable such bonds and security for the honest and faithful discharge of their duties as said directors may order. That the increase in capital stock of said corporation provided for in this section shall be made either by individual subscription to stock or by application of the surplus earnings of said corporation to said purpose, and if said increase shall be from the earnings of the corporation the directors shall have the power to declare stock dividends to the stockholders pro rata. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. The stockholders of the corporation shall be individually liable, equally and ratably, and not one for another, for all contracts and debts of the corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amounts invested in such stock. That said corporation shall have authority to transact business whenever said one thousand (1,000) shares of stock have been fully subscribed to the capital stock, and the sum of ten ($10) dollars per share shall be paid in upon said subscriptions. Further assessments shall paid in as called for by the directors until all of said capital stock, amounting to one hundred thousand ($100,000) dollars shall be paid up in full.

Bonds required.

Increase of stock by application of surplus earnings.

Voting power.

Individual liability.

May begin business, when.

Powers.

Sec. 3. That said corporation shall be and hereby is authorized and empowered to have, purchase, receive and possess lands, tenements, hereditaments, rents, stock, goods, chattels and effects, of whatever nature or quality, either real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or otherwise, and by any other mode of conveyance or transfer whatsoever, and the same to give, bargain, sell, convey, pay, release and dispose of for the whole or any less estate the property that said corporation has in the same, and also to improve and augment in such manner and form as said corporation by its by-laws and regulations shall direct, and shall and may apply the rents, issues, income, interest and profits of said estate and the moneys arising from the sale, alienation, disposal or improvement thereof to the uses, ends and purposes of its creation, according to the rules, regulations and orders of the corporation as fully and effectually as any natural person, body politic or corporate within this State can or may do or perform.

Real and personal property.

Borrowing money.

Sec. 4. That said corporation shall have and is hereby given the

power and authority to borrow money in such amounts and at such rates of interest, payable at such times and places as the board of directors may determine, and issue its notes, certificates and registered or coupon bonds under its corporate seal. It shall have power to loan money on mortgage or deed of trust on real or personal property or other security; to discount bills of exchange, foreign or domestic, or personal or other negotiable paper. In case any borrower of said corporation fails to meet his obligations it may collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs and charges and expenses, and in case of the sale of either real or personal property, upon which said corporation may have a claim or lien of any amount, it may make good title to the purchaser, and provided said property shall be exposed to sale under authority of law, the president or treasurer of this corporation may purchase the same for and on behalf of the corporation, and said purchase, though made at sale by the corporation as trustee, shall be valid and binding upon all of the parties having or claiming any interest therein.

Making loans.

Foreclosure.

May purchase at its own sale.

Sec. 5. Said corporation shall have and is hereby given power and authority to act as fiscal, transfer or business agent for any State, county, city, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer and register certificates of stock, bonds or other evidence of indebtedness.

May act as agent.

Sec. 6. That said corporation shall have and is hereby given power and authority to issue policies of insurance on titles of real estate and mortgages in guaranteeing titles, and to guarantee the payment of principal or interest of notes, bonds, bills of exchange, acceptances, checks or other securities or evidences of debt, including the obligations of such corporations as may have secured their payment by deed of trust made to this corporation, and to receive such compensation as may be agreed upon by the parties.

Title guaranty, etc.

Sec. 7. That said corporation shall have and is hereby given power and authority to act as surety for any person or persons or corporation upon the bonds of public or private persons, agents or clerks, doing business of trust and confidence, and also upon bonds for costs in any case in any of the courts of the several States of the United States, and may charge and receive for such services such sums as may be agreed upon: *Provided*, said company shall comply with the laws of the State relative to surety companies.

Surety and binding business.

Sec. 8. That said corporation shall have and is hereby given power and authority to accept and execute trusts of all kinds which may be committed to its care, with its consent, by any person or persons whomsoever, or by any corporation or corporations, or by any court in this or any other State or Territory of the United States, to act as trustee, executor, administrator, guardian, com-

May act as executor, guardian, trustee, etc.

mittee of a lunatic or a committee of a habitual drunkard, commissioner, assignee, receiver, broker, factor, agent or attorney for any person or corporation, and for its services shall receive such fees and compensations or emoluments as are or may be allowed to individuals in like cases. And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Durham County an undertaking in the sum of ten thousand ($10,000) dollars, with sufficient security, either personal sureties or bonds of the State of North Carolina or of the United States or of any county or city of the State of North Carolina, or any other security satisfactory to said Clerk, and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation by order of any court of said State; and it shall be renewed every three years. In case of default in the performance of any trust so committed to said corporation said undertaking may be sued upon by or for the party injured, or his personal representative, in the Superior Court of any county in said State where such default shall have been made. A copy of such undertaking duly certified by the Clerk of the Superior Court of Durham County, under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to appear to the satisfaction of the Clerk of said Superior Court of Durham County that it is necessary, in order to secure the faithful performance of all of said trusts, he may require that said undertaking be increased to such an amount as he may deem sufficient, not exceeding the sum of fifty thousand ($50,000) dollars. And the Superior Court of any county wherein any such trusts shall have been committed to said corporation shall have the power to make orders respecting such trusts, and to require it to render all accounts which said court might lawfully make or require if such corporation was a natural person. And in accepting any trusts or powers hereunder said corporation may qualify by one of its executive officers. The said corporation shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds, duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities, but all such investments shall be at the sole risk of said corporation, and for any losses by reason of such investments the capital stock, property and effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the yearly rents and profits of any trust estate within its hands; but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Undertaking, how given.

Renewal of undertaking.

In case of default.

Certified copy of undertaking to be evidence.

Increase of undertaking.

Subject to orders of court.

Qualification of officers.

Discretion in investments.

Due diligence.

Building and loan business.

Sec. 9. That said corporation shall have and is hereby given power and authority to conduct a building and loan business, to make loans of money on the notes or bonds of any person or persons or corporations, secured by mortgages or deeds of trust on real or personal property, and such mortgages or deeds of trust to be executed to said corporation or to any trustees that may be selected, and may include on the face of any note or bond, payable to said corporation, interest at the legal rate per annum for the full period agreed upon and require such note or bond, with the interest so added, to be payable in as many equal monthly installments as there shall be calendar months between the date of said loan and the end of the period agreed upon for the full payment of such note or bond, and upon default in the payment of any monthly installment interest may be charged upon such installment from the date it shall fall due, at the legal rate per annum until paid, and when so many as three monthly installments shall be due and unpaid the said note or bond, except so much thereof as comprises interest for the unpaid term of the loan, shall at the option of the said corporation become due and payable, and foreclosure of the mortgage or deed of trust securing the same may be brought and the whole of the unpaid balance of the face of the note or bond, less the interest for the unexpired term on the sum originally advanced or loaned, shall be collected by the said corporation.

Plans.

General banking business.

Sec. 10. That said corporation shall have the right to do a general banking and savings bank business, receive deposits from or make loans and discounts for, and obtain and procure loans for any person, company, corporation, partnership or association, including apprentices, minors and *femes covert;* to invest its own money or the money of others, to loan and invest money on or upon the security of mortgage, pledge or deed of trusts, to invest in any land, hereditaments or personal property or interest therein of any description and situated anywhere, to lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, chŏses in action, or any and all negotiable and commercial paper or any credits or other personal property and sell, invest or dispose of the same, and to charge no rate of interest excepting the rate allowed by law.

Married women and minors.

Deposits.

Sec. 11. That all deposits of money in said corporation shall be entered in the books of the corporaton, and a book shall be given to each depositor in which the sum deposited shall be entered, and it shall be the voucher or evidence of the property of the depositor in the hands of the corporation. On making his first deposit the depositor shall be required to subscribe his or her name to the regulations and laws of the corporation, and such signature shall conclusively signify his assent thereto. The possession and presentation by any person to whom a pass book shall have been issued, unless

Rules and regulations.

the same has been assigned or transferred, shall be a sufficient authority to the corporation to warrant any payment made by it, and shall be conclusive evidence as to the right of such person so presenting said pass book to such payment, and all payments to such persons producing the pass books issued by the corporation shall be valid payments to discharge the corporation. The limits of deposits in said corporation shall be fixed by the board of directors, and said corporation may pay interest thereon at fixed rates according as may be agreed upon between the corporation and its depositors, and the board of directors are hereby given authority to make all necessary laws and regulations for conducting and carrying into effect the different features of the banking departments of this corporation.

Interest on deposits.

Married women and minors.

Sec. 12. That whenever any deposit shall be made in the name of any person being a minor or female, being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor and free from all control or lien of any persons except creditors, and shall be paid, together with interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be sufficient release and discharge for such deposit or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested to the corporation, in the event of the trustee the said deposit or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made.

Deposits in trust.

Loss of pass book.

Sec. 13. In case the pass book of a depositor is lost, or the officers of the corporation shall doubt the identity of any person claiming a deposit, or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and demand an adequate bond of indemnity against another claim or demand before paying such deposit, or any part of it. But no assignment or transfer of a pass book and deposit shall be binding on said corporation, or have any legal force or effect, unless said corporation assent in writing to such transfer or assignment.

Time deposits, interest on.

Sec. 14. The said corporation shall pay to its depositors who allow their deposits to remain three months or more, such rate of interest as the directors may agree upon, said rate of interest to be computed annually and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier, in which case, if it has been in the corporation's hands three months or longer, interest shall be computed and paid up to the date of withdrawal. But it shall be in the power of the directors to alter this section at their will, so as to reduce the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of

Change of rules.

interest to deposit monthly, quarterly or semi-annually, as they see fit, and as often as they please.

Sec. 15. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation. Depository for trust funds, etc.

Sec. 16. That the stock of this corporation held by any person shall be transferred only upon the books of the corporation, either in person or by power of attorney, and no stockholder shall transfer his stock, except by the consent of the directors of the corporation, if he be indebted to the corporation as principal, surety or otherwise, until such indebtedness is paid off or discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder: *Provided*, this condition is printed on the certificates of stock issued by the corporation. Transfer of stock. Form of stock certificate.

Sec. 17. That the principal office of said corporation shall be in the county of Durham, North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable by said board of directors. Principal office. Branch office.

Sec. 18. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March A. D. 1903.

Chapter 173.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BIG LICK, IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Big Lick shall be and continue as they have been, a body corporate, and shall bear the name and style of the town of "Big Lick," and shall have power to purchase and hold real estate for the benefit of the town, and the said town shall have the power to sue and be sued, to plead and be impleaded, and the said town shall be subject to the laws of the State in relation to corporations of like kind, not inconsistent with this act. Corporation. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of the said town shall extend from a point one-half a mile due west from the well located in the centre of the public square of said town, thence south one-half of a mile, thence east one mile, thence north one mile, thence west one mile, thence south one-half of a mile to the beginning. Corporate limits.

Officers, election of.

Sec. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Marshal, all of which shall be elected at regular elections to be held as provided by this act, except the Marshal, who shall be appointed by the Board of Town Commissioners for a term of two years: *Provided*, that said Board of Commissioners shall have the right to revoke said appointment at any time on failure of any Marshal to perform the duties of his office satisfactorily. Said Marshal shall receive the same fees for his services in his official capacity as the Sheriff of the county would for work of similar nature, and shall be paid in the same way; and the following named persons are hereby elected and appointed to hold said offices, except Marshal, until the first Monday in May, 1903, and until their successors are elected and qualified according to law, to-wit: Mayor, C. J. Black; Commissioners, J. W. Efird, W. A. Cagle and P. G. Hartsell.

Marshal, appointment of.

Proviso: marshal removable for cause.

Fees of marshal.

Temporary officers.

Date of election.

Sec. 4. That there shall be an election held for every officer mentioned in this act, except the Marshal, on the first Monday in May, 1903, and every two years thereafter, under the same rules and restrictions as county and State elections are held, and all resident citizens who are qualified voters of this State within said corporation that have resided in the county for four months and in the town for sixty days and in the State for two years next preceding any election held in said town shall be entitled to vote, and all citizens who have resided in the corporation for six months and in the State for two years shall be eligible to hold office in said corporation.

Rules.

Qualification for voters.

Qualification for officers.

When mayor to qualify.

Sec. 5. That it shall be the duty of the Mayor of said town to take the oath of office prescribed by law within five days after his election, and that the Commissioners elected at any elections for said town shall meet and organize within five days next after their election, and they shall take the oath of office that they, as a body, will faithfully and impartially perform the duties of Commissioners to the best of their knowledge and ability for the ensuing term.

Where commissioners to meet and organize.

Oath of office.

Bond of marshal.

Sec. 6. That the Marshal appointed by the said Board of Commissioners shall enter into a bond payable to the town of Big Lick or the State of North Carolina, the amount of which shall be fixed by the Board of Town Commissioners.

Tax rate.

Sec. 7. The Commissioners of said town shall have power to levy a tax for each year, not to exceed one dollar on the poll and fifty cents on the one hundred dollars valuation of property in their discretion, said valuation to be the same that is placed thereon to raise revenue for State and county purposes, and that all taxes shall be levied according to Article 5, section 3 of the Constitution of the State.

Valuation of property.

Power of commissioners to improve streets.

Sec. 8. That the Board of Commissioners of said town shall have power to grade, macadamize and pave the streets and sidewalks

and to lay out, change and open new streets, or widen those already open, and to make such improvements thereon as the public convenience may require, and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use under the same rules and regulations as are hereafter provided for the laying out of public streets in this act. May condemn land.

Sec. 9. That whenever any land or right of way be required for the purpose of opening new streets, or for other objects allowed by this charter, and for want of agreement as to the compensation thereof the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the Board of Commissioners and one to be selected by the land owner, and these two to select a third; and in case the land owner refuses to select one, then the Commissioners shall select all three, and in making said valuation said freeholders, after being duly sworn by the Mayor, shall at once proceed to condemn said lands and take into consideration the loss or damage which may accrue to the owner in consequence of the lands or right of way being surrendered, also, any benefit or advantage such owner may receive from the opening or widening of such streets, or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to said Board of Commissioners, under their hands and seals, which on being confirmed by the board and spread upon their minutes shall have the effect of a judgment against said Board of Commissioners, and shall pass the title to the Board of Commissioners in their corporate capacity of the lands so taken, and the lands may at once be condemned and used by said town for the purpose intended: *Provided*, that if any person over whose land the street may pass or improvement be created, or the Commissioners, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the Commissioners from opening or widening such streets or creating such improvements. Proceedings in condemning land. Proviso: right of appeal. Proviso: appeal not to delay work.

Sec. 10. That all freeholders appointed to assess damages shall receive one dollar per day for their services, and any freeholder who shall refuse to take the oath prescribed and to act according to law, after having been duly appointed by the board and after having been notified in writing by the Marshal, shall be deemed guilty of a misdemeanor, and fined ten dollars for each offense by the Mayor. Pay of appraisers. Freeholder refusing to serve, misdemeanor. Penalty.

Sec. 11. That all taxes levied by the Commissioners of said town shall be due and collectible at any time after the first day of October in each year, and that the Commissioners may expend all moneys collected by taxes as they may deem best for the interest of the town. When taxes due and collectible.

Jurisdiction of mayor.

Application of fines.

Sec. 12. That the Mayor shall have the same jurisdiction as a justice of the peace in all criminal actions within the corporate limits; that all fines collected by him in criminal actions under the law of this State shall be placed to the credit of the public school fund of Stanly County under the provisions of the State Constitution.

Term of office.

Substitutes.

Vacancies.

Sec. 13. That all officers elected in the town of Big Lick shall hold office for the term of two years and until their successors are elected and qualified. That in the absence of any officer from the town, or during sickness of any of the officers, the Commissioners may appoint a man to fill the office during his absence or during his sickness or inability, and no longer. If the absence be caused by resignation the Board may appoint an officer to fill the unexpired term.

Clerk and treasurer.

Bond of treasurer.

To be recorded.

Sec. 14. That the Commissioners shall, at their first meeting after being qualified, elect for the ensuing term a Clerk and Treasurer, and that the Treasurer shall enter into a bond payable to the town of Big Lick or to the State, the amount of which shall be fixed by the board, and that said bond shall be recorded in the office of the Register of Deeds of Stanly County as other bonds for county officers.

Bond of marshal.

Marshal may be appointed tax collector.

Sec. 15. That the Marshal appointed shall enter into a bond payable to the State of North Carolina, the amount of which shall be fixed by the Board of Commissioners, and that the board shall appoint the Marshal or some other competent person as Tax Collector of said town, and he shall collect all taxes for said town, and receive pay for his services in so doing under the same laws and regulations as are prescribed for the Sheriff of the county.

Fire company.

Sec. 16. That the Commissioners may in their discretion provide for the establishment and equipment of a fire company for said town.

Sanitary committee.

Sec. 17. That the Commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the Marshal. Any person who shall fail to comply with any order made by the board, after having been notified by the Marshal, shall be deemed guilty of a misdemeanor, and fined by the Mayor for each and every offense.

Tax lists and books.

To be open for inspection.

Sec. 18. That all tax lists or books which have or may hereafter be placed in the hands of the Town Tax Collector shall be subject at all times to the control of the authorities imposing said tax and subject to correction, and shall be open for inspection by the public.

Power of marshal to arrest without warrant.

Sec. 19. That if any person shall be found violating the laws of this State, or any of the town ordinances, by the Marshal or other officers appointed to act as such, within the incorporate limits of said town, he shall forthwith arrest the offender without a warrant

and carry him before the Mayor to answer the charge, and to be dealt with according to law.

Sec. 20. That all proceedings in the Mayor's court shall be the same as are now or shall hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Stanly County. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for the said court to sentence such person to imprisonment in the county jail or town prison for a term not to exceed thirty days, and to adjudge also that such person work during the period of his confinement on the streets of said town. Proceedings in mayor's court. Imprisonment in county jail. Chain gang.

Sec. 21. That the Board of Town Commissioners of the town of Big Lick shall appoint a Marshal for the town at their first meeting after the passage of this act, who shall serve until the next general election and until his successor is appointed, as is provided for in section 3 of this act. Appointment of marshal. Term.

Sec. 22. That the Board of Town Commissioners shall have power to tax circuses, shows, liquor dealers, theatres, artificial curiosities, vendors of patent proprietary medicines, or any entertainment, musical or otherwise, and exhibits of any character for money or reward, as they may see fit and proper, not inconsistent with the laws of the State, and to require license taxes to be levied upon all other professions or occupations in their discretion. Taxing powers. License taxes.

Sec. 23. That if any Commissioners who shall fail to attend a regular meeting of the Board of Commissioners or call meeting, of which he shall have had notice, unless permitted by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offense, and it shall be the duty of the Mayor to enforce such forfeiture as in all other criminal actions. Fine on commissioners failing to attend meetings of board.

Sec. 24. That the Mayor shall receive the same fees for his services in all criminal matters and cases that may come before him as Mayor, as the justice of the peace of the county in similar cases. Fees of mayor.

Sec. 25. That the Mayor and Commissioners now in office, elected and appointed by this act, shall hold office until the next regular election on the first Monday in May, 1903, and until their successors are elected and qualified. Present officers to continue.

Sec. 26. That the Board of Commissioners shall have power to enact any ordinance or ordinances, and to pass all laws and regulations not incorporated in this charter, they may deem necessary for the better government of the town, not inconsistent with the general laws and Constitution of the State. Commissioners to enact ordinances.

Sec. 27. That all laws and clauses of laws heretofore enacted, inconsistent with this charter, and all other laws conflicting with this act, are hereby repealed and this charter substituted. Repealing clause.

Sec. 28. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 174.

AN ACT FOR THE RELIEF OF S. L. DELLINGER, PUBLIC SCHOOL-TEACHER OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Treasurer to pay on proper voucher.

Section 1. That the Treasurer of Cleveland County be and is hereby authorized to pay, on proper voucher signed by school committeemen of the district and countersigned by the County Superintendent, S. L. Dellinger five ($5) dollars out of the public school funds of District No. Twenty-seven (27), for the white race, as a residue for services rendered as teacher in said district during the school year ending 1897.

Amount.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 175.

AN ACT TO AMEND CHAPTER 188, PRIVATE LAWS OF 1891, SO AS TO EXTEND THE CORPORATE EXISTENCE OF THE SCOTLAND NECK BANK, TO CHANGE THE MODE OF ELECTING THE PRESIDENT, CASHIER AND OTHER OFFICERS AND TO ENLARGE AND INCREASE ITS POWERS.

The General Assembly of North Carolina do enact:

Term extended.

Section 1. That section 1 of chapter 188, Private Laws of 1891, be and the same is hereby amended by striking out the word "thirty" in line six and substituting therefor the word "sixty."

Directors to elect officers.

Sec. 2. That section 4 thereof be and the same is hereby amended so as to substitute for the word "stockholders," in line seven, the word "directors," so as to authorize the directors of said bank to elect the president, cashier and other officers and fix their compen-

sation, instead of the stockholders, as now provided therein; and the stockholders of this corporation shall be responsible, equally and ratably, and not one for another, for all contracts and debts and agreements of this corporation in an amount equal to their stock subscribed therein, in addition to the amount invested in such shares. Liability of stockholders.

Sec. 3. That the said bank shall have power to receive money in trust, to become executor or administrator of any estate and to accept and execute any other trust that may be committed to it by any court, corporation, company or person, and it shall also have power to accept any grant or transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of the State of North Carolina, and to execute the same on such terms as may be established and agreed upon by its directors, and in all cases where application shall be made to any court of said State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor, lunatic or insane person it shall be lawful for such court, if it shall think fit, to appoint the Scotland Neck Bank, its successors and assigns, as such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of said bank in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and upon such settlement and adjustment all proper, legal and customary charges shall be allowed to such bank for its services, care and management in the premises, and the said bank shall be subject to the same rules, regulations and law as if it was an individual: *Provided*, that any oath required by law to be taken in order for the qualification to any of the offices or trusts above mentioned may be taken by any officer of said bank, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals. Trust company's powers granted. Proviso: oath taken by officer.

Sec. 4. That it shall be lawful to organize the said bank as in said chapter 188 of Private Laws of 1891 is provided, as modified by the amendments thereto at any time within two years from this date. Time for organization.

Sec. 5. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 176.

AN ACT TO ALLOW THE WILL OF RILEY P. STAMPER OF ALLEGHANY COUNTY TO BE ADMITTED TO PROBATE.

Preamble. Disqualification of witness.

Whereas, the will of Riley P. Stamper of Alleghany County, now deceased, was executed according to law in the presence of J. N. Edward and H. H. Boyer, the subscribing witnesses thereto; and

Whereas, said J. N. Edward is now the Clerk of the Superior Court of said county: Therefore,

The General Assembly of North Carolina do enact:

Remaining witness to prove will.

Section 1. That the scrip purporting to be the last will and testament of Riley P. Stamper, and witnessed by the parties aforesaid, may be proven and admitted to record upon the oath of H. H. Boyer, one of the subscribing witnesses, and when so admitted the adjudication of proof shall have the same force and effect as if it had been based upon the examination of two witnesses in the manner prescribed by law.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 177.

AN ACT TO INCORPORATE TRINITY COLLEGE.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That A. P. Tyer, J. H. Southgate, B. N. Duke, G. A. Oglesby, V. Ballard, J. A. Long, J. F. Bruton, J. N. Cole, F. A. Bishop, J. G. Brown, C. W. Toms, J. W. Alspaugh, W. R. Odell, J. A. Gray, F. Stikeleather, Kope Elias, S. B. Turrentine, P. H. Hanes, T. F. Marr, G. W. Flowers, M. A. Smith, R. H. Parker, W. J. Montgomery, F. M. Simmons, O. W. Carr, R. A. Mayer, N. M. Jurney, Dred Peacock, B. B. Nicholson, W. G. Bradshaw, E. T. White, T. N. Ivey, J. B. Hurley, R. L. Durham and W. C. Wilson, and their associates and successors, shall be and continue as they have been, a body politic and corporate under the name and style of "Trinity College," and under such name and style are hereby invested with all the property and rights of property which now belongs to the said corporation, and said corporation shall henceforth, by the name and style of "Trinity College," hold and use all the authority, privileges and possessions it had or exercised under

Body politic. Corporate name. Corporate rights.

any former title and name, and be subject to all recognized legal liabilities and obligations now outstanding against said corporation.

Sec. 2. That such corporation is authorized to receive and hold by gift, devise, purchase or otherwise property, real and personal, to be held for the use of said college and its dependent schools, or for the use of either or both (as may be designated in the conveyance or will), to a value not exceeding in the aggregate sum three millions of dollars. Right to hold property. Limit.

Sec. 3. That the trustees shall be thirty-six in number, of whom twelve shall be elected by the North Carolina Conference of the M. E. Church, South; twelve by the W. N. C. Conference of said Church, and twelve by the graduates of said college: *Provided, however,* that no person shall be elected a trustee till he has first been recommended by a majority of the trustees present at a regular meeting; and the trustees shall have power to remove any member of their body who may remove beyond the boundary of the State, or who may refuse or neglect to discharge the duties of a trustee. The term of office of trustees shall be six years, and they shall be so arranged that four trustees shall be elected by each Conferenee and four by the graduates every two years. The trustees shall regulate by by-laws the manner of election of the trustees to be chosen by the graduates. Should there exist a vacancy by death, resignation or otherwise of any trustee, the same shall be filled for the unexpired term by the board of trustees. That the present trustees shall continue and remain in office during the term for which they have been heretofore respectively elected. Number of trustees. By whom elected. Proviso: to be recommended by trustees. Removal. Term of office. By-laws. Vacancies. Present trustees continued.

Sec. 4. That the said corporation shall be under the supervision, management and government of a president and such other persons as said trustees may appoint; the said president, with the advice of the other persons so appointed, shall from time to time make all needful rules and regulations for the internal government of said college, and prescribe the preliminary examinations and the terms and conditions on which pupils shall be received and instructed. Management. President to regulate internal government. And prescribe requisites for admission.

Sec. 5. That said trustees shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution of the United States and of this State, as may be necessary for the good government of said college and the management of the property and funds of the same. Trustees to make rules. For government of college and management of property.

Sec. 6. That the trustees shall have power to fix the time of holding their annual and other meetings, to elect a president and professors for said college, to appoint an executive committee to consist of seven members, which committee shall control the internal regulations of said college and fix all salaries and emoluments, and of doing all other things necessary for an institution of learn- Meetings of trustees. Election of president and professors. Executive committee. Salaries.

ing, not inconsistent with the laws of this State and of the United States.

Faculty and trustees. Degrees and marks of honor.

Sec. 7. That the faculty and trustees shall have the power of conferring such degrees and marks of honor as are conferred by colleges and universities generally; and that five trustees shall be a quorum to transact business.

Quorum.

Repealing clause.

Sec. 8. That all laws and parts of laws, or of the charter heretofore granted, which are in conflict with this act are hereby repealed.

Acceptance of act.

Sec. 9. That this act shall be in force from and after its ratification and acceptance by the board of trustees.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 178.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELMONT, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

New corporate limits prescribed.

Section 1. That section 2 of chapter ninety-seven (97) of the Private Laws of one thousand eight hundred and ninety-five (1895) be and the same is hereby repealed, and the following inserted in lieu thereof: The corporate limits of the said town of Belmont shall be as follows, namely: Five hundred (500) yards north, four hundred and forty (440) yards south, six hundred and fifty (650) yards east and four hundred and forty (440) yards west from the point where the public road now crosses the railroad in said town.

Power to lay out and improve streets.

Sec. 2. That the Board of Commissioners of said town of Belmont, Gaston County, North Carolina, shall have power to grade, macadamize and pave the streets and sidewalks of said town, and to lay out and open new streets and sidewalks and to widen or otherwise alter the same, and to make such improvements thereon as they may deem necessary or convenient. That when any land or right of way shall be required for the purpose of opening new streets or sidewalks or for widening or otherwise altering those already opened, or for other purposes authorized by this act or the charter of the said town, and for want of agreement as to the value thereof or other cause, the same may be taken at a valuation thereof to be made by three freeholders of said town, to be chosen by the Board of Commissioners of said town, and in making the said valuation the said freeholders, after being duly sworn by the Mayor of the said town or some other person authorized to administer oaths,

May condemn land for streets.

Manner of condemnation.

shall take into consideration the damage that may accrue to the owner or owners in consequence of the taking or condemnation of the land or right of way, also any benefit the owner or owners may receive from the opening, laying out or widening of such streets or sidewalks or other improvements, and ascertain the sum which shall be paid to the owner or owners of said land, and report the same to the Board of Commissioners of said town, under their hands and seals, which said report, on being confirmed by the said board and spread upon their minutes, shall have the effect of a judgment against said town, and shall pass the title to said lands to said Board of Commissioners in their corporate capacity: *Provided*, that if any person over whose land the said street or sidewalk may pass or improvement erected, or the Board of Commissioners of said town be dissatisfied with the valuation thus made, then he or they may appeal therefrom to the next term of the Superior Court of Gaston County: *Provided, however*, that such appeal shall not hinder or delay the said Board of Commissioners in opening and laying out or widening such street or sidewalk or erecting such improvement.

Ascertainment of damages.

Right of appeal to Superior Court.

Appeal not to delay street improvement.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 179.

AN ACT TO INCORPORATE THE YANCEY COLLEGIATE INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. That B. B. Riddle, S. B. Ray, Solomon Ray, W. B. Banks, E. F. Watson, Charles Wilson, A. J. Bennette, T. C. King, J. T. Beaver, J. F. Sams, H. A. Whittington, W. B. Wray, B. F. Hensley, H. H. Howard, J. F. Byrd, Molton Bailey and N. N. Silver and their successors in office, who may be elected from time to time by the Missionary Baptist Association of Yancey County, be and they are hereby created a body politic and corporate under the name and style of the "Yancey Collegiate Institute" for the purpose of establishing and maintaining a school of high grade at Burnesville, in Yancey County, North Carolina, with the privileges of using a common seal, to be altered at their pleasure, with power in their corporate name to sue and be sued, plead and be impleaded, to hold real estate and personal property by purchase, gift or otherwise

Corporators.

Body corporate.

Corporate name.

Corporate rights.

as they may consider necessary or convenient for the establishment and maintenance of said Yancey Collegiate Institute, not to exceed one hundred thousand dollars, and make all rules and regulations needful or necessary for the government of their body and the said Yancey Collegiate Institute, and for carrying into effect the afore said purpose of their institution, and do all other acts pertaining to similar corporations and not inconsistent with the laws of this State nor of the United States.

Limit of property held.

Term of trustees.

Sec. 2. That the terms of office of said trustees when elected shall be one year from the date of their election or until their successors are elected and qualified.

Board to prescribe curriculum.

Sec. 3. That said board shall have the power to prescribe a course of study for Yancey Collegiate Institute and to change the same at any time deemed proper, and upon the completion of the course of study so prescribed it shall be the duty of the principal of said Yancey Collegiate Institute to give the student so completing said course a certificate of proficiency.

Certificates of proficiency.

Trustees to elect teachers.

Sec. 4. That said board of trustees shall have the power to elect such teachers as they may deem proper.

Liability of trustees.

Sec. 5. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.

Unlawful to sell or give liquor or cigarettes to students.

Sec. 6. That it shall be unlawful for any person or persons to sell or give to any student of said Collegiate Institute any spirituous, vinous or malt liquors or cigarettes.

Misdemeanor.

Penalty.

Proviso: penalty not reduced.

Sec. 7. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court: *Provided*, that this provision shall not conflict with any act prescribing a greater penalty for violating of any law against the sale of intoxicating liquors in Yancey County.

Quorum.

Sec. 8. That five members of said board shall constitute a quorum for the transaction of any of its business.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 28th day of February, A. D. 1903.

Chapter 180.

AN ACT TO AMEND THE CHARTER OF THE NEW RIVER DEVELOPMENT COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter 89 of the Private Laws of 1901, being an act to incorporate the New River Development Company of North Carolina, be amended as follows: Add after the words and figures "$5,000,000" in line 5 of section 4 of said act the words: Whenever permission for such increase shall be given by the Secretary of State of North Carolina, which permission to increase shall be given upon the payment to said Secretary of State the fees required by chapter 2 of the Public Laws of 1901 in case of increase of capital stock. Add after section 12 another section, to be known as section 13, to read as follows:

Increase of capital stock to be through Secretary of State.

"Sec. 13. That this company shall have the power to organize under this act any time prior to March 1, 1906, and to begin the usage of the powers and privileges herein conferred."

Time for organization extended.

Amend section 13 by changing the number of said section to read "Section 14."

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 12th day of February, A. D. 1903.

Chapter 181.

AN ACT TO INCORPORATE "NORTH STATE TRUST COMPANY."

The General Assembly of North Carolina do enact:

Section 1. That Edmund Jones, J. C. Hall, W. R. Walker and Lindsay Patterson of said State, their associates and successors, be and they are hereby declared a body corporate under the name of "North State Trust Company" for the full term of sixty years, with the privilege of renewal at the expiration of such term, and with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and use a common seal, and to make, alter and amend such by-laws as may be necessary or expedient for carrying out the purpose and design of such incorporation: *Provided*, such by-laws are not in conflict with the powers herein

Incorporators.

Corporate name.

Term, privilege of renewal, powers.

By-laws.

granted, or with the laws of this State or of the United States, and to do and perform every act necessary or expedient to carry on the business of said company as completely as the same could be done by an individual citizen of this State; and that the principal office of said company shall be located at any place in North Carolina that may hereafter be decided upon by a majority of the directors of said company, with branch offices at any place or places in the State as may be determined upon by a majority of said board.

Principal office.

Branch offices.

May do general banking business.

Sec. 2. That said company shall have the right to do a general banking business, to receive deposits, make loans and discounts, buy and sell exchange, and to lend its own or its depositors' funds; to obtain loans for any persons, partnership or corporation, and to do all things necessary towards mediating between borrower and lender, either with or without guaranty, and to charge for such service such commission as may be agreed upon between the borrower and said company, not in conflict with the usury laws of this State; to lend and borrow money on its own account, and to give or receive such security as may be lawful or expedient, and to do all other acts as borrower or lender that a private individual may lawfully do; to invest its own or the money of others in property, real or personal, to improve any real estate belonging to it by building or otherwise, and to buy, sell, rent, lease or deal in any real or personal property; to carry on the business of guaranty insurance, to guarantee the title to any real estate or personal property (except fire and life insurance), to guarantee the payment of any bonds, notes, mortgages, undertakings or other securities or evidence of indebtedness of any person, partnership, company or corporation, municipal or private; to purchase, acquire or lend in or upon any stock, shares, bonds, notes, debentures or other securities of any government, State, municipality, corporation, company, partnership or individual, and to hold, deal in or sell the same; to receive upon deposit for safe-keeping jewelry, plate, stocks, bonds and valuable property of every description, upon such terms as may be agreed upon, any charge for safe-keeping to be a lien upon such deposits until paid; and to insure the fidelity of persons holding places of responsibility and of trust, and of acting as a surety in such cases where by law sureties are required; and to act as agent for life and fire insurance companies.

May invest and deal in property.

May guarantee titles, bonds, mortgages, etc.

May deal in stocks, bonds, etc.

May receive valuables for safe keeping.

May guarantee fidelity of persons and act as agent.

May act as trustee.

Sec. 3. That said company shall have power to accept and execute all trusts that may be committed to it by any court, corporation, company or individual, and to accept any grant, assignment, transfer, devise or bequest, and to hold in trust any real or personal property and execute such trust upon such terms as may be established by its board of directors, not in conflict with the laws of North Carolina or of the United States. That said company is authorized to receive on deposit all funds in litigation in the courts

Depository for certain funds.

of this State, and to pay therefor such interest as may be agreed upon; that said company may receive and accept the appointment of executor, administrator, trustee, guardian, receiver or assignee, and the courts of this State are authorized to appoint said company as administrator, trustee, receiver or guardian, and to grant letters testamentary in case of its appointment as executor; and said company having received such appointment shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatsoever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on. That until there shall be at least one hundred thousand ($100,000) dollars subscribed to and paid into the capital stock of said company the company when entering upon the execution of any trusts, where bonds are by law required, shall give such bonds as may be by law required of natural persons; but when said one hundred thousand dollars shall have been paid in, and so long as it shall remain unimpaired, then and in that case in lieu of the bonds required by law to be given by administrators, guardians, trustees, receivers or other fiduciaries, it shall be lawful, and before assuming any such, under order of any court, the said company shall file in the office of the Clerk of the Superior Court of the county in which its principal place of business shall be located, or other county where such appointment is made or such trust is to be executed, an undertaking with sufficient security, either personal or consisting of bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court, and to be approved by the said Clerk; and the said undertaking so filed may be accepted by the said Clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina, or entrusted to it as aforesaid, or by any guardian, executor, administrator or other trustee as to any other trust fund, and separate bonds shall not be required in each case of trust committed to said company, but the said bond of ten thousand ($10,000) dollars shall be sufficient in all of such cases, unless and until the same is increased as hereinafter provided. In case of default in the performance of any trust so committed to said company as aforesaid, or by any guardian, executor, administrator or other trustee the said undertaking may be sued upon by

May act as executor, guardian, etc.

Compensation.

Undertaking.

To be filed with Clerk Superior Court.

Kind of security.

Approval of clerk.

Amount, condition.

May be increased.

Default.

Suit.

the party injured or his personal representative in the Superior Court of any county of North Carolina where such default may have been made. And the Superior Court of any county where such bond may be filed, whenever it shall be made satisfactorily to appear that it is necessary in order to secure the faithful performance of all such trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same. A copy of such undertaking, duly certified by the seal of the Superior Court of any county in this State where the same is filed, and if secured by bonds of the State or of the United States, or of any county or city or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina and the Superior Courts wherein said company shall have been appointed guardian, executor, administrator, trustee or depositary, shall have the power to make orders respecting such trust and to require the said company to render all accounts which said court might lawfully make or require if such trustee were a natural person, and in accepting any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers. The said company shall have discretionary power to invest the funds received by it in trust in bonds of the United States, or in the bonds duly authorized to be issued by any county or incorporated city, or in its own coupon bonds or other good security, or in safe real and personal securities; and the said company shall be held responsible to the beneficiaries under any such trusts under the same rules of law that govern natural persons executing such trusts, and for any losses by reason of such investments for which by law the said company is or may be held responsible the capital stock, property and effects of said corporation shall be absolutely liable, together with the additional liability of the stockholders hereinafter referred to; and the capital stock, property and effects of said corporation shall be liable, together with the additional liability of the stockholders hereinafter referred to for all acts of negligence, maladministration and defaults of every kind in the administration of any trust for which the said company may by law be held responsible. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents or profits than can reasonably be earned by safe and prudent investments, but whenever said company shall act as guardian it shall be held liable for the same income and same rate of interest as natural persons acting as guardians are held.

Court may order increase of undertaking.

Certified copy to be evidence.

Superior courts may make orders and require accounts.

May qualify by executive officer.

Discretionary power.

Liability.

Shall use due diligence.

Liability.

Legal depository for certain funds.

Sec. 4. That said company shall be a legal depository for trust funds by other trustees and persons in positions of trust.

Capital stock.
Shares.
Par value.

Sec. 5. That the capital stock of said company shall be twenty-five thousand ($25,000) dollars, divided into two hundred and fifty shares of the par value of one hundred ($100) dollars per share;

but said capital stock may be increased at any time by a majority vote of the board of directors to an amount not exceeding one million dollars: *Provided*, the tax on said increase of stock is paid. Each stockholder shall be liable for all assessments called for by the board of directors until his or her subscription shall be fully paid up, and if any assessments so called for are not paid when due, such stock may be sold at public sale at the door of said company's principal office or of any of its branch offices, after sixty days' notice of such sale to the subscriber, and after paying the due assessments and expenses of sale the balance shall be paid over to the subscriber. That said company shall begin business whenever stock to the amount of twenty-five thousand ($25,000) dollars shall have been subscribed and one-half thereof paid in; and said company shall be responsible to its creditors and to the beneficiaries under the execution of any trust to the extent of its paid up capital and its assets, and each stockholder shall be individually liable for all the debts of said corporation to the extent of his or her unpaid shares of stock, and said stockholders shall be further and additionally liable, equally and ratably, and not one for another, in an amount equal to the face value of their respective shares of stock, in addition to the amount invested in such shares; but no person holding stock in said corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of such corporation; but the persons pledging such stock shall be considered as holding the same and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward, or the person interested in such fund would have been had he been living and competent to act and hold the stock in his own name.

How increased. Limit. Assessments. Sale of stock. May begin business, when. Liability of stockholders. Additional liability of stockholders. Exception as to certain persons. Liability in certain cases.

Sec. 6. That the business of said company shall be managed by a board of directors of not less than five members, to be elected by the stockholders, each share being entitled to one vote, and they shall hold office for one year or until their successors are elected and qualified. The board of directors shall have power to elect all officers of said company and to fill all vacancies occurring in their own body. The officers of said company shall consist of a president, one or more vice-presidents, secretary, treasurer, one or more assistant treasurers, and general counsellor, and such other officers as the board of directors may see fit to create; but the same person may hold two or more of said offices, and the board of directors may dispense with one or more of said offices at their pleasure. Said officers shall hold at the pleasure of the board of directors, who may require bonds from said officers in such amounts as they may

Directors. Election, voting. Term. Election of officers. Vacancies. Officers. Term of office, bonds, by-laws, majority vote.

deem reasonable and necessary for the faithful performance of their duties; and the board of directors may alter, amend or repeal any of the by-laws of said company by a majority vote of the board.

Deposits of married women and minors.

Sec. 7. That in the event any money shall be deposited with said company by any married woman or any minor, either for investment or otherwise, such money may be withdrawn by said married woman or said minor without the consent of the husband, parent or guardian, and the check or receipt of said married woman or said minor shall be as binding on said married woman or said minor as [or] the husband or the parent or the guardian as though she were a *feme sole* or he or she were of full age.

Savings department.

Sec. 8. That said company is hereby authorized to organize in connection with its general business a department for savings and

Regulations.

do a savings bank business, and to make such regulations in regard thereto, not inconsistent with the laws of this State, as will enable said company to receive deposits in the savings department, and to give certificates or other evidences of deposits, and to pay such interest as may be agreed on, not exceeding the legal rate of interest, and to regulate the time of payment and notice of demand. Such savings department, if desired by the board of directors, may be kept separate and distinct from the other departments, and a treas-

Liability.

urer may be chosen for its management, but the company shall be liable to depositors in such department to the same extent as it is herein declared to be to its other creditors.

May issue warehouse receipts and lend on same.

Sec. 9. That said company may issue warehouse receipts and guarantee the same, upon any product of the soil or upon any manufactured product, whether finished or in process of being manufactured, or upon any kind of merchandise, or upon any kind of property whatsoever; whether the same be stored in the warehouse of said company or in the warehouse of the owner, or wheresoever stored, and may charge for the same; and it may loan money on said receipts repayable on demand or on such time as may be agreed upon.

May charge interest in advance.

Sec. 10. That said company at the time of making loans or discounts may take and receive in advance such interest as may be agreed upon, not exceeding the legal rate, and said loans may be made to its officers and stockholders on the same terms and conditions as to other persons.

Preliminary management.

Sec. 11. Until the directors are elected the subscribers to the stock shall have the direction of the affairs and of the organization of the company, and may take such steps as are proper to obtain the necessary subscription to the stock and to perfect the organization of the corporation.

May act as agent.

Sec. 12. That said company may be the agent of any person or of any private or public corporation to sell, transfer, register or

countersign certificates of stock, bonds or other evidences of indebtedness.

SEC. 13. That said company is authorized to purchase, to hold and to sell stock in any other banking institution or in any other corporation, and to buy the stock or the entire assets of any other bank, national, State or private, and to pay for the same in cash or in the stock of said company. May deal in stocks of other banks.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March A. D. 1903.

CHAPTER 182.

AN ACT TO AMEND CHAPTER SIXTY-THREE (63), PRIVATE ACTS OF 1889.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-three (63), Private Acts of 1889, entitled "An act to incorporate the town of Ramoth, in the County of Buncombe," be and the same is hereby amended by striking out the word Ramoth wherever it appears in said act and substituting the word Woolsey therefor. Name of town of Ramoth changed to Woolsey.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby expressly repealed; and the town heretofore called Ramoth shall hereafter be named Woolsey, and in that name shall have and exercise all the rights, powers, privileges and franchises heretofore conferred upon and exercised by the act incorporating the town of Ramoth and acts amendatory thereof. Conflicting laws repealed. Rights, powers, etc., of town unaffected by change of name.

SEC. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March A. D. 1903.

CHAPTER 183.

AN ACT TO AMEND CHAPTER 40, PRIVATE LAWS OF 1891, ENTITLED "AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF SALEM."

The General Assembly of North Carolina do enact:

SECTION 1. That the words "Tuesday after" be inserted in first line after the word "on" in section three, and the word "year" in the third line of section three be stricken out, and the words "two years" be inserted in lieu thereof. That the following proviso be Section 3 former act amended. Election on Tuesday after first Monday in May, biennially.

Proviso.

added to said section 3 at the end thereof: "*Provided*, that if at any time the Board of Commissioners should deem best to relieve the Mayor of a part of his duties, they may appoint or elect some person not from their body, to be known as the Town Police Justice, whose duties shall be to preside over the municipal court of the town of Salem, and in no other respect to interfere with the duties now imposed on the Mayor. The person appointed or elected police justice shall be vested with all powers to try and determine all matters coming before him, as now given to the Mayor, and shall be *ex officio* a justice of the peace of Winston Township. The Commissioners shall have the power to fix the compensation of the Mayor and police justice in such amounts as to them may seem best, not to exceed the sum of $500 in the aggregate.

Police justice.

Powers and duties.

Compensation.

Section 52 former act amended.

Tax on dealers in fire-crackers, etc.

Sec. 2. That section 52 of said act be amended by adding thereto the following, to be known as subsection (15): "Every person, firm or corporation selling or offering to sell or dispose of fire-crackers, torpedoes, Roman candles, toy pistols, air-guns, blank cartridges or any other explosives or explosive material used for amusement shall pay an annual license of not exceeding $200, and upon failure thereof shall be guilty of a misdemeanor for each separate offense, and fined not exceeding $50 or imprisoned not over thirty days," and subsection (16), "Every person, firm or corporation acting as emigration agent, or engaged in soliciting, inducing, aiding or encouraging laborers to accept employment out of the State in the capacity of laborers for hire, shall pay an annual license tax of $100, and upon failure thereof shall be guilty of a misdemeanor for each separate offense, and fined not exceeding $50 or imprisoned not over thirty days."

Penalty.

Tax on emigrant agents.

Penalty.

Section 89 former act amended.

Construction of sewers.

Sec. 3. That section 89 of said charter be amended by adding thereto the following: That the said Board of Commissioners shall have power to construct a system of sewerage for the town, building such sections first as they may determine, wholly at public expense, or in co-operation with property owners benefitted by such sections, and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, and in addition thereto shall have power and authority to compel citizens and persons living or owning land along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage, and keep same in repair and open so as to drain all of the premises along the line of said sewerage, and to provide water supplies for the town either by erecting water-works or by contracting with other persons or corporations; and make all such other public improvements as the health of the citizens and the safety of property may require; and in case, when required, the citizens living along the lines of sewer or owning property along said lines or

Protection and regulation of same.

Condemnation of land.

Water supply.

Public health.

Rules and regulations may be enforced.

in the vicinity thereof shall neglect or refuse to connect their premises, drains or other pipes with said sewerage, then in that event it shall be lawful for the Commissioners, after notice to said owners or their qualified agents (which notice in case of non-residents having no resident agent may be made by publication), may cause said premises to be properly arranged for health purposes and properly connected with the town sewerage pipes; and the expenses of making said repairs and alterations and connection with the main sewerage pipes shall be paid by the person whose property shall be thus connected, and said expenses shall be a lien upon said premises or lot, and if not paid on demand such lot, or so much as may be necessary, shall be sold by the Tax Collector to pay said expenses and costs, under the same rules and regulations and restrictions as are required by law for the sale of land for unpaid taxes.

Expenses a lien on premises.

Lien enforced as taxes.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March A. D. 1903.

Chapter 184.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARSHVILLE, N. C.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety-four (94) of the laws of eighteen hundred and seventy-six and seventy-seven (1876-1877), as amended by chapter two hundred and nine (209), Public Laws of eighteen hundred and ninety-seven (1897), be and the same are hereby amended as follows: That in all cases when a defendant shall be convicted before the Mayor of Marshville of any misdemeanor and shall be sentenced to pay a fine and costs, and such defendant shall refuse to pay the fine or costs or be unable to do so, it shall be lawful for the Mayor to order and require such defendant to work on the public roads of Union County until, at a fair rate of wages, such person shall have worked out the full amount of the fine and costs of the prosecution. And any person so required by the Mayor to work on the public roads of Union County who shall willfully refuse to do so, or shall attempt to escape while engaged in said work, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Former acts amended.

Convicts may be worked on public roads.

Refusal to work or attempt to escape a misdemeanor.

Penalty.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 185.

AN ACT FOR THE RELIEF OF D. D. JONES, COLORED.

The General Assembly of North Carolina do enact:

Payment for services.

Section 1. That the treasurer of the county school fund of Person County be and he is hereby authorized to pay D. D. Jones, out of any unapportioned school funds in his hands, the sum of twenty-one ($21) dollars, balance due him for services as teacher in Colored School District No. 2 of Mt. Tirzah Township, Person County,

Voucher.

upon the production to said treasurer a voucher signed by majority of school committee in said district and approved by the County Superintendent of Schools for said county.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 186.

AN ACT TO REPEAL CERTAIN PORTIONS OF CHAPTER 114 OF THE PRIVATE LAWS OF 1901, ENTITLED AN ACT TO AMEND THE CHARTER OF THE CAROLINA AND NORTHWESTERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That section one of chapter 114 of the Private Laws of 1901 be and the same is hereby amended by striking out in line

Branch lines.

twelve, as printed, all after the word "Line" down to and including the word "expedient" in line fourteen: *Provided,* that nothing in this act shall be construed to prevent the said railroad from building

What branch lines may be built.

branch lines from any points on its line between Chester, South Carolina, and the southern line of Caldwell County, North Carolina, nor from building branch lines from points on its road north of the town of Lenoir, in said county.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 187.

AN ACT TO AMEND SECTION 6 OF CHAPTER 340 OF THE PRIVATE ACTS OF THE GENERAL ASSEMBLY OF 1899 RELATING TO THE TOWN OF PINE BLUFF.

The General Assembly of North Carolina do enact:

Section 1. That section 6 of chapter 340 of the year one thousand eight hundred and ninety-nine be and the same is hereby amended by striking out the words "not to exceed the State tax" in lines 7 and 8 of said section 6 and inserting in lieu thereof the words "not to exceed a rate of one dollar and fifty cents on every one hundred dollars valuation of real estate and personal property and four dollars and fifty cents upon each taxable poll." Former act repealed. Tax rate regulated.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 188.

AN ACT FOR THE RELIEF OF J. C. McEWEN OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Yancey County be and he is hereby authorized to pay to J. C. McEwen of said county the sum of fifty ($50) dollars out of the school funds now in his hands, or that may hereafter come into his hands to the credit of Cane River School District No. 2, in Cane River Township, said sum being due said J. C. McEwen as a balance for teaching a public school in said district in said county for the year 1900: *Provided,* this claim shall not be paid unless it is approved by a majority of the school committee of said district. Payment for services. Proviso: approval of school committee.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 189.

AN ACT TO INCORPORATE THE RALEIGH TRUST AND SAFE DEPOSIT COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That James H. Pou, B. S. Jerman, H. W. Jackson, W. W. Vass, and their associates, successors and assigns, be and

Body politic.

they are hereby created and constituted a body politic and corpo-

Corporate name.

rate under the name and style of the "Raleigh Trust and Safe Deposit Company," and by such name, or any alteration or amend-

Succession for 99 years.

ment thereof as hereinafter provided, may have continual succes-

Powers.

sion for the period of ninety-nine years, and shall have power to make contracts; to have and use a common seal, and the same to alter at pleasure; to sue and be sued, plead and be impleaded in the courts as fully as natural persons; to receive, purchase, hold, improve, hypothecate, grant, release, transfer, sell and convey by any mode real, personal and mixed property of whatever kind; to

By-laws.

make, establish and put into execution all such by-laws and regulations as shall be found meet and expedient for the government of the corporation and the management of its business and property, not inconsistent with the Constitution and laws of the State of North Carolina or the United States; and to do all lawful acts and things and to exercise all lawful franchises, rights, powers and privileges incident to a corporation.

Principal office.

Sec. 2. That the principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina,

Branch offices.

but branch offices or agencies may be at any time established at such place or places in said State as a majority (in shares) of the stockholders may designate; and that said corporation shall have

Change of name.

full power and authority, at any time, to change, alter or amend its corporate name by the vote of a majority (in shares) of its stockholders at any general or special meeting, and upon a change of name as herein provided a copy of resolutions to that effect shall be filed in the office of the Secretary of State: *Provided*, the proper fees are paid to the State Treasurer.

Capital stock.

Sec. 3. That the capital stock of said corporation shall be fifteen

Increase of same.

thousand dollars, but the same may be increased from time to time by a vote of a majority (in shares) of the stockholders to an amount not to exceed one hundred and twenty-five thousand dollars, to be

Par value of shares.

divided into shares of the par value of one hundred dollars each; and the shares so subscribed, when fully paid up, shall be forever

Limit of personal liability.

non-assessable, and no stockholder shall be liable for any other

May open books of subscription.

sum or sums on account of such subscription. That the corporators above named, or any of them, upon notice given to the others, may open books of subscription at such times and places and for such

period or periods as shall be determined; and when one hundred and fifty shares of one hundred dollars each shall have been subscribed and paid in the corporation shall have the right to begin business and to organize by the election of a board of three directors (or trustees), or more, if the stockholders so decide, who shall manage its affairs for one year thereafter, or until their successors are elected; and these directors (or trustees) so chosen shall elect a president (whose term of office shall expire at the expiration of the term of said directors or trustees, unless the by-laws otherwise provide), and such other officers, employees and agents as they shall deem proper, prescribing their duties, compensation and term of service; such board of directors (or trustees) shall itself be elected annually by the stockholders, upon a date to be prescribed by the by-laws, and shall have power to fill vacancies occurring in itself between such annual elections, to require, in its discretion, any or all of said officers and employees to give bond with approved security for the faithful performance of their respective duties, and generally shall be vested with full powers in the management of said corporation and the conduct of its business where not otherwise provided in the by-laws; that the stock of said corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock, except by consent of the board of directors (or trustees), while he is indebted to the corporation as principal, security or otherwise, for all of which indebtedness said corporation shall have a lien superior to all other liens upon the stock of said holder; and at all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.

May begin business, when.

Directors or trustees.

Officers, agents, employees.

Election of directors or trustees.

Vacancies.

Bonds required.

Powers.

Transfer of stock.

Indebtedness to corporation.

Voting.

Sec. 4. That the said corporation shall be invested with all the powers and privileges usually incident to or that may by the laws of said State of North Carolina be hereafter conferred upon savings banks and banking institutions, with the right to receive deposits in such amounts and on such time, terms and conditions, and to pay interest thereon either at fixed rates or by way of dividends out of the net earnings or by such other method as may be agreed upon between the corporation and its depositors or provided in the by-laws; all such savings deposits shall be entered in a pass-book given to the depositor, which shall be the voucher or evidence of the property of the depositor in the hands of the company; on making the first deposit the depositor may be required to subscribe his or her name to the laws and regulations of the company, and such signature shall conclusively signify his or her assent thereto; in case the pass-book of a depositor is lost, or the officers of the company shall doubt the identity of any person claiming a deposit or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and

Powers of corporation.

Savings bank business.

Rules and regulations.

demand an adequate bond of indemnity against any other claim or demand before paying such deposit or any part of it; and the stockholders and directors (or trustees) of said corporation are hereby fully authorized to adopt all other rules and regulations expedient for conducting and carrying into effect the savings bank feature of this corporation.

Powers. General banking business.

Sec. 5. That the said corporation shall have the right to do a general banking business; to receive and pay out the lawful currency of the country; to deal in exchange, gold and silver coin, checks, drafts, stocks, bonds, notes and other securities and to issue letters of credit; to receive deposits and to make loans and discounts on such terms, conditions, time and manner of collection and payment as may be prescribed by the by-laws or agreed on by the parties, and to charge and collect interest on such loans in advance or otherwise; to obtain and procure loans for any person, company, partnership or corporation, and to charge and receive such commission or compensation therefor as may be agreed upon; to invest its own money or the money of others for profit or on commission; to lend and invest money in or upon the security, pledge, deed or otherwise of any land hereditaments or personal property, or any interest therein of any description situated anywhere; to lend money upon, or purchase, or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action and any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other real or personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans, not exceeding the rate allowed by law, and to collect such interest in advance. That the said corporation may, for itself or for others, for profit or on commission, receive, subscribe to, purchase, acquire, hold, deal in, sell, distribute among its stockholders or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person; or may negotiate or place in behalf of any corporation, company, partnership or person any shares, stocks, bonds, notes, debentures, mortgages or other securities, with or without guaranty or collateral obligation by said corporation or corporations and individuals; may charge and collect any premiums, commissions or other compensation for the above as may be agreed on; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for; and that said corporation shall be invested with all powers and privileges usually incident to or that may be hereafter conferred upon banking institutions.

May collect interest in advance. May do brokerage and commission business, etc.

Invested with usual powers.

Sec. 6. That the said corporation may receive on deposit all sums of money which may be offered it, in such sums, at such times and on such terms as may be provided by the by-laws or agreed on by the parties, whether for investment or otherwise; and when any deposit shall be made by or in the name of any minor or married woman the same shall be held for the exclusive benefit of such minor or married woman, and the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her receipt or acquittance, or his or her check drawn against such deposit shall be a valid and sufficient release and discharge to this corporation for such deposit and any interest thereon or part thereof; and whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the corporation, in the event of the death of the trustee the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made; and whenever any real estate or personal property upon which the corporation may have a lien of any kind shall be exposed to sale under authority of law, the president or other proper officer or agent of this corporation may purchase the same for and on behalf of the corporation, and such purchase, though made at a sale by the corporation as trustee, shall be valid and binding upon all parties having or claiming an interest therein; and that said corporation shall also have power to issue bills or notes, to circulate as currency, in such denominations as the board of directors (or trustees) may authorize, and under such regulations as may now or hereafter be authorized and provided by the laws of the said State of North Carolina and the United States.

Deposits of minors and married women.

Trust deposits.

Purchase of property at foreclosure sale.

May issue bills and notes as currency.

Sec. 7. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed upon in registering, selling and countersigning, collecting, acquiring, holding, dealing in, disposing of on account of any State, county, town, municipality, corporation, company or person any bond, certificate of stock, insurance policy, whether life, fire, accident or otherwise, or any description of property, real or personal, or for guaranteeing the payment or fulfillment of any such bond, certificate of stock, insurance policy, contract or other property, and for managing such business generally, and may charge such premiums, commissions or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

May act as agent.

Sec. 8. That said corporation shall have power to receive money in trust, to become executor or administrator of any estate, and to

May act as trustee, executor, etc.

accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons, and shall also have power to accept any grant or transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of the State of North Carolina, and to execute the same on such terms as may be established and agreed upon by the board of directors (or trustees); and in all cases when application shall be made to any court of said State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint this corporation, its successor or assign, as such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and upon such settlement and adjustment all proper, legal and customary charges, costs and expenses shall be allowed the said corporation for its services, care and management in the premises; and the said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of said State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals. That said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in any of the courts of the said State of North Carolina, and to pay therefor such interest, not exceeding the lawful rate, as may be agreed upon; and that said corporation shall be invested with all powers and privileges usually incident to or that may be hereafter conferred upon trust companies.

Appointment by court.

Qualification to be officer of corporation.

Deposit of funds in litigation.

To have powers of trust companies.

Sec. 9. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such money, bonds, stocks, securities, evidences of debt, muniments of title, jewelry, plate, precious stones and all other valuables or any other article or thing whatsoever which may be left or deposited for safe-keeping with said corporation, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, which said charge shall be a lien on such deposit until paid; and for the complete preservation and safe-keeping thereof said corporation may construct, erect or purchase such fire and burglar-proof building, vaults, iron or composition safes, safe deposit boxes or other means which may be or become necessary; and said corporation is fully authorized to do and carry on, in all of its branches, the business of a safety deposit company.

Deposit of valuables for safe keeping.

Erection of building, vaults, etc.

Sec. 10. That said corporation shall have power to become surety on the bonds of any State, government, county, city or town official, or on the bond of any administrator, guardian, trustee, receiver, corporation or natural person, or on undertakings of any kind in any court of justice, or for the payment or fulfillment of any dividends, bonds, notes, mortgages, contracts or other securities or evidences of debt for any price and on any consideration agreed upon, as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the corporation to do so: *Provided,* said corporation complies with the laws of the State with regard to surety companies. May act as surety or guarantor. Court bonds and undertakings.

Sec. 11. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares and merchandise, cotton, tobacco and other products, and may charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a lien upon the property so stored; may make rules, regulations, by-laws and contracts fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business; may make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and that the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments, to pass by endorsement and delivery and to entitle the holder thereof to the property marked and designated therein in like manner as the original holder would be had not such an assignment been made. May conduct warehouse and storage business. Rules and regulations. Advance of money on property stored. Warehouse receipt negotiable.

Sec. 12. That the stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for one another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock. Personal liability of stockholders.

Sec. 13. That the corporation hereby created shall have five years from and after the ratification of this act in which to organize and begin business, and if it shall fail to do so within that period it shall not have the right to organize thereafter, and the power granted under this act shall cease and determine. Period in which to organize.

Sec. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 190.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GRAHAM, IN ALAMANCE COUNTY, AND TO ALLOW SAID TOWN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Former law amended.

Section 1. That section twenty-five of chapter forty of the Private Laws of 1899 be amended by striking out all after the word "wines" in the third line of said section, down to and including the word "premises" in the fourth line of said section.

Sale of liquors regulated.

Authority of mayor and constable, territorial limit of.

Sec. 2. That the process of the Mayor of said town of Graham, and the authority of the Constable or police officer of said town to serve process, shall extend a half mile in all directions beyond the corporate limits of said town, and the jurisdiction of said Mayor and Constable or police officer to preserve the peace and apprehend for breach of the peace shall extend half a mile beyond the corporate limits of said town in all directions.

Issue of bonds, vote on same.

Levy of special tax.

Sec. 3. The Board of Commissioners of said town shall have the power, with the assent of the qualified voters of the town, as hereinafter provided, to issue bonds and to levy additional taxes for the payment of the interest on the same, and to provide a sinking fund for the liquidation of said bonds at maturity, for the following purposes, to-wit: For the mending and improving the streets and sidewalks of the town, by pavement or otherwise; for the providing a supply of water and sewerage system for said town for the use, convenience and health of the people and as a protection to property against fire; and for the furnishing of lights for said town and its people. Before any bonds are issued the proposition to do so shall be submitted to the qualified voters of the town at an election, either at a general election for Mayor and Commissioners or a special election to be ordered by the Board of Commissioners. The issue of bonds for lights shall not exceed two per cent. of the assessed value of the real and personal property of said town; for water and sewerage, not to exceed three per cent. of the assessed value of the real and personal property of said town; for street improvements, not to exceed three per cent. of the assessed value of the real and personal property of said town. If a special election is ordered by the Board of Commissioners, then thirty days' notice thereof shall be given, and registrars appointed and poll holders chosen just as required for a general election. And whether the election is at a general election or a special election, notice thereof shall be given for thirty days in a newspaper of general circulation in the town, and said notice shall state the amount for which it is proposed to issue bonds, the denomination of the bonds, how long to run, the rate of interest to carry and how often the

For street improvements, water, sewers and lights.

Bond election.

Special tax rates.

Thirty days' notice of election.

Publication of same.

Contents of notice.

interest to be paid, and whether by coupons or otherwise, and the special purpose to which the proceeds of sale of bonds shall be applied. A proposition to issue bonds for one or more or all of the purposes hereinbefore mentioned may be submitted at the same election, but the published statement shall set forth the full particulars as to each; or the propositions may be submitted one at a time, and at different elections. The bonds for a supply of water shall be designated on their face "Water-works Bonds"; those for the furnishing lights "Light Bonds," and those for improving streets and sidewalks "Street Improvement Bonds." The electors who wish to assent to the issue of any class of bonds shall vote a ballot, printed or plainly written on white paper, with the word "Approved" before the name of the bonds to the issue of which he wishes to assent; and those wishing to withhold their assent shall vote a ballot on white paper on which shall be plainly written or printed the word "Disapproved" before the name of the bonds he wishes to disapprove. The votes shall be counted, tabulated, returned and the result declared in all respects as provided for in the election of Mayor and Commissioners, with this exception: when the issue of bonds is not approved by a majority of the qualified electors a copy of the returns need not be sent to the Clerk of the Superior Court, and if any class of bonds are approved by a majority of the qualified voters of the town, then a copy of the returns and also of the poll books shall be transmitted to the Clerk of the Superior Court and be by him recorded and filed. Should the proposition to issue bonds for either of the purposes above mentioned be approved by a majority of the qualified voters of the town, then the Board of Commissioners shall proceed to issue said bonds, in denominations of one hundred to five hundred dollars each, as may be determined, carrying interest at a rate not greater than six per centum per annum, payable semi-annually, with coupons in payment of the interest attached, and the principal payable at the expiration of thirty years from the date of issue. The said bonds shall not be sold or hypothecated for less than their par value. The fund raised by the sale of bonds for furnishing lights shall be used for furnishing lights and for no other purpose, and so also with respect to those for supply of water and for the improvement of the streets. The bonds shall be signed by the Mayor, attested by the Clerk of the Board of Commissioners, and shall have affixed the corporate seal of the town. The coupons shall be signed by the Mayor only. The Board of Commissioners shall have sole control and direction of the issue and sale of bonds, and shall cause accurate accounts to be kept of the sale of each bond of each class, the price obtained and a detailed, itemized account of the expenditure of the proceeds, and they shall take care that the proceeds of each class are applied to the use and purposes for which the issue was approved. And it

Designation of bonds.

Ballots.

Returns.

Majority of qualified voters.

If election favorable, Board of Commissioners to issue bonds.

Denominations.

Rate of interest.

Term.

Not to be sold at less than par.

Application of proceeds of bonds.

Execution and issue.

Accurate accounts to be kept.

Petition for bond election. Duty of Board of Commissioners.

shall be the duty of the Board of Commissioners of said town, upon the presentation to them of a petition signed by fifty electors of said town, to pass an ordinance submitting the question of issuing said bonds for either or all of the aforesaid purposes, to a vote of the people. And when an election is ordered for the issue of bonds for any of the foregoing purposes a new registration of the voters of said town shall be had.

New registration required.

Board of Commissioners authorized to make certain contracts.

Sec. 4. The Board of Commissioners of said town shall have power, in the name of the town of Graham, to make contracts and to become the owners or part owners of light plant or water plant, or both, and shall have power to contract with private individuals, firms or corporations to supply light or water, or both, and to charge a reasonable compensation therefor.

Contracts for lights.

Sec. 5. The Board of Commissioners of said town shall have power to contract, in the name of said town of Graham, with any firm, person or corporation to furnish such lights for said town as they may deem necessary for a term of years, not to exceed ten years, at a stipulated price a year for each light, payable annually, semi-annually, quarterly or monthly, as may be agreed, and to levy a tax not to exceed ten cents on the one hundred dollars of the valuation of real and personal property and thirty cents on the taxable poll to pay for the same; and such contract shall be binding on said town, and succeeding Boards of Commissioners shall levy and collect the tax necessary, and said tax shall be used for no other purpose.

Special tax for lights. Rate.

Application of proceeds.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 191.

AN ACT TO AUTHORIZE THE TOWN OF SMITHFIELD TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Issue of bonds.

Section 1. That the Board of Commissioners of the town of Smithfield is hereby authorized and empowered to issue bonds, in the name of the town of Smithfield, in such denominations and forms as it may determine, to an amount not exceeding forty thousand dollars, payable at such time or times and at such place or places as the Board of Town Commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date.

Denominations.

Amount.

Term.

Sec. 2. That the said bonds shall bear interest at no greater rate than six per cent. per annum, and the interest shall be payable annually or semi-annually, as the Board of Commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Rate of interest. Not to be sold at less than par.

Sec. 3. The said bonds shall be signed by the Mayor, attested by the Town Clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the Board of Commissioners, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided,* that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed twenty-five cents on each one hundred dollars valuation of property and seventy-five cents on each taxable poll: *Provided further,* that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the Town Treasurer, as said coupons are taken up and paid off, to cancel the same, and report not less than twice a year to the Board of Commissioners the number and amounts of the coupons so cancelled. Execution of bonds. Coupons receivable for town taxes. Special tax levy. Special tax rate. Application of special taxes. Cancellation of coupons. Treasurer to report.

Sec. 4. That the Board of Commissioners shall not issue said bonds, nor any of them, nor levy or collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than thirty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the word "Improvements," and those opposing the same shall vote a written or printed ballot containing the words "No Improvements." Said election shall be held under the same rules and regulations as elections for Mayor and other town officials: *Provided,* that the Board of Commissioners may in its discretion order a new registration of voters: *Provided further,* that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the Board of County Commissioners in its discretion to cause a subsequent election to be held for the same purpose. Consent of majority of qualified voters necessary. Election. Publication of notice. Ballots. Rules and regulations. Second election may be ordered.

Sec. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the Board of Town Commissioners Proceeds of bonds, how applied.

of Smithfield for the following purposes and for no other purpose, to-wit: For erecting, equipping, conducting and operating an electric light plant to furnish lights for the streets of said town and for its citizens; for constructing and equipping a system of waterworks and maintaining and operating the same, to furnish water for the use of the town and its citizens; for constructing and maintaining a sewerage system for the town; to build a town hall, market house and other necessary public buildings, and to furnish the same:

Lights, water, sewerage, town hall and market house.

Purchaser of bonds not to see to application of proceeds.

Provided, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds.

Board of commissioners of town to have entire control.

Sec. 6. That the said Board of Commissioners of the town of Smithfield shall have entire supervision and control of any and all of the plans and works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true interest [intent] of this act.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 192.

AN ACT TO INCORPORATE THE TOWN OF OAKLEY, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the town of Oakley, in Pitt County, be and the same is hereby incorporated under the name and style of The Town of Oakley, and shall be, as such incorporation, subject to all the

Rights and privileges.

provisions and have all the rights and privileges contained in chapter sixty-two (62), Volume two (2) of The Code, and all laws amendatory thereto, except as they may be in conflict with or modified by the provisions of this act.

Territorial limits.

Sec. 2. That the corporate limits of the said town of Oakley shall embrace the territory circumscribed by the following lines, to-wit: Beginning at W. H. Williams and John S. James' corner west of said James' house, thence south-east to W. H. Williams and S. R. Ross' corner near railroad; thence north-east to corner of W. H. Williams' field; thence with his fence on the east to his south-east corner; thence a straight line to the north-east corner of S. G. Williams' house field; thence a straight line to the north-west corner of R. E. Mizell's house field; thence a straight line to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a Mayor and a Board of Commissioners, composed of three members, and such other subordinate officers as the Board of Commissioners may deem necessary, and shall prescribe their duties.

Mayor and commissioners until election held.

Sec. 4. That until the election hereinafter provided for the Mayor and Board of Commissioners of said town shall be composed of the following persons, viz.: Mayor, W. H. Williams; Commissioners, C. H. Ross, W. G. Bryan and Eli Rodgers, who shall hold their respective offices until their successors are elected and qualified.

Election.

Sec. 5. That an election shall be held in said town on the first Monday in May, nineteen hundred and three (1903), and annually thereafter, for the election of a Mayor and three Commissioners, who shall hold their offices for the term of one year; at such election all persons who are entitled to vote in the county of Pitt for members of the General Assembly and who shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town.

Term of office.

Qualifications of electors.

Ordinances.

Sec. 6. That the Board of Commissioners of said town may pass all ordinances for the good government, quiet, peace, health and safety of the town, not inconsistent with the condition [Constitution] and laws of this State and of the United States, that they may deem necessary.

Town taxes.

Tax rate.

Sec. 7. That the Board of Commissioners shall have the power and authority to levy and collect an annual tax upon all real and personal property in said town not exceeding forty cents on the one hundred dollars in value and one dollar and twenty cents on each taxable poll, and may also levy and collect a tax upon all other subjects of taxation which are taxed by the State, not exceeding the amount charged by the State.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 193.

AN ACT TO INCORPORATE DELL SCHOOL, AT DELWAY, IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That E. D. Allen, A. R. Herring, W. J. Fryar, C. C. Johnson and J. M. Alderman, and their successors in office, be and

Body politic; corporate name; purposes.

are hereby created a body politic and corporate under the name and style of Dell School, for the purpose of operating at Delway, in Sampson County, State of North Carolina, a school or system of schools for general education and for the special training of teachers for the rural public schools, and by that name to remain for ninety-nine years, and in that name may acquire, hold and convey property, real, personal and mixed; may receive donations and gifts in money, real, personal and mixed property; may sue and be sued, contract and be contracted with, plead and be impleaded in their corporate capacity; may exercise such rights and acts as may be needful for the promotion of education as aforesaid; may have and use a common seal; may make and alter from time to time such by-laws as may be deemed necessary for the operation and control of said institution: *Provided,* such by-laws shall not be inconsistent with the Constitution and laws of the United States and of North Carolina.

Term; powers; common seal.

By-laws.

Certificates of proficiency to students.

Sec. 2. That the corporation shall have power to issue to students, who shall have deserved them, certificates of proficiency.

Stock; may or may not bear dividends; par value.

Sec. 3. This corporation and its stockholders may, as they see proper from time to time, in order to advance the interest of the institution, issue, offer for sale and sell shares of the capital stock of the corporation, which may, if so desired, be divided into dividend-bearing and non-dividend-bearing shares: *Provided,* that each share shall be of the par value of twenty-five dollars.

Management.

Sec. 4. That the members of this corporation, together with such stockholders as may be admitted from time to time by sale of shares of stock, shall control the affairs of the corporation, elect such officers as they see fit, fix time of the meetings and transact such business as may relate to the success of the corporation: *Provided,* that a majority of the whole stock shall be represented in order to constitute a legal meeting of the corporation or stockholders, and that each share of stock shall be entitled to one vote and no more in all such meetings.

Majority of stock to constitute quorum.

Each share entitled to one vote.

May contract debts and secure same.

Sec. 5. That in order to make improvements, or to advance the interests of the institution, this corporation shall have power to create a debt or debts, and, if so desired, to secure the same by a mortgage or mortgages or deed or deeds of trust.

No individual liability.

Sec. 6. That the stockholders shall not be individually liable for the contracts or torts of this corporation.

Gambling and manufacture or sale of intoxicating liquors prohibited; penalty.

Sec. 7. That it shall not be lawful for any person or persons to set up any gaming table or any device whatever, or play at any game of hazard by whatever name called, or to gamble in any manner, or to manufacture or sell any intoxicating, vinous or malt liquors within three miles of said Dell School, and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 8. That the first meeting of the stockholders or incorporators shall be held within three months from or after the ratification of this act at such time and place in Sampson County as above said J. M. Alderman shall designate, notice of the meeting to be given to each of said stockholders or incorporators. First meeting of incorporators. Notice to be given.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 194.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF PINEVILLE, IN THE COUNTY OF MECKLENBURG."

The General Assembly of North Carolina do enact:

Section 1. That chapter forty-one of the Private Laws of North Carolina of the year 1873, being an act entitled "An act to incorporate the town of Pineville, in the county of Mecklenburg," be amended as follows, to-wit: By adding to said chapter the following: Former act amended.

Sec. 2. That the Town Commissioners shall have power to grade, macadamize and pave the streets and sidewalks of said town; to lay out and open new streets, and to make such improvements thereon as the public convenience may require, and to purchase or condemn land for said purposes. Commissioners may lay out and improve streets. May condemn land.

Sec. 3. When it is proposed to condemn any land or property for the purposes herein specified it shall be done by a resolution of the Board of Town Commissioners, stating as near as may be the nature of the improvement for which the land is required, and directing the commissioners of valuation to proceed to assess the damages for the property to be taken, on a day to be named in the resolution; notice of the time of meeting of the said commissioners of valuation shall be issued by the Mayor or intendent at least five days before the date of said meeting, and served by the Chief of Police or Town Marshal by reading the same to the land owner or by leaving a copy at his residence. Manner of condemnation. Notice to be given.

Sec. 4. That the commissioners of valuation shall be freeholders, residents of the town, and in no way interested in the lands to be condemned, and shall be appointed in the following manner, to-wit: One to be selected by the land owner and one by the intendent, and if these two fail to agree they shall select a third freeholder as an umpire. Commissioners of valuation to be free-holders, etc. Manner of selection.

Vacancies.

Sec. 5. That any vacancy on said commission arising from the failure of the land owner to appoint, or otherwise, shall be filled by the intendent of the town.

Assessment of damages.

Sec. 6. That said commissioners shall, at the appointed time, meet upon the lands to be condemned and view the same and assess the damages or sum to be paid to the party entitled. In making such assessment the commissioners shall take into consideration the damages from the loss of the land and the benefits which may accrue to the owner from the proposed improvements, and shall ascertain the net damage or benefit, as the case may be, and shall report the result in writing and file the same with the clerk of the Town Commissioners, and said award shall be final; and if not discharged within ninety days after written demand by the party entitled the same shall be enforceable by a civil action in the Superior Court of Mecklenburg County: *Provided,* if either party shall be dissatisfied with the amount of the assessment set forth in said award, he may appeal to the next term of the Superior Court for said county: *Provided, however,* that such appeal shall not hinder or delay the Town Commissioners in opening such street or making the proposed improvement.

Award.

Enforced by civil action. Right of appeal.

Appeal not to delay street work.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 195.

AN ACT TO AMEND THE CHARTER OF THE BANK OF FAYETTEVILLE, CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE PRIVATE ACTS OF THE GENERAL ASSEMBLY OF THE YEAR 1887.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter one hundred and seventy-nine of the Private Acts of the General Assembly of the year 1887, incorporating the Bank of Fayetteville, be and the same is hereby amended by striking out section 10 of said act and inserting the following sections, to be numbered 10 and 11, as follows, to-wit:

New powers.

May execute trusts.

"Section 10. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, corporations, or by any court in this or any other State or Territory of the United States, and for its service as such trustee said corporation shall receive such usual

and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases; and any executor, administrator, guardian, receiver or trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation; and in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Cumberland County an undertaking in the sum of ten thousand dollars with sufficient security, either personal sureties or bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or bonds of any surety or guaranty company authorized to do business in this State, or any other security satisfactory to said Clerk and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation; and it shall be renewed from time to time, as required by the Clerk of the Superior Court of Cumberland County. The amount of said undertaking may be increased from time to time by an order of the Superior Court of Cumberland County or the Clerk thereof, whenever it shall appear that the interests of the parties concerned may require it. In case of default in the performance of any trust so committed to said corporation, the said undertaking may be sued upon by or for the party injured, or his personal representative, in the Superior Court of Cumberland County. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Cumberland County under his official seal, shall be evidence in the courts of said State. And the Superior Court of any county wherein any such trusts shall have been committed to said corporation shall have the power to make orders respecting such trusts, and require it to render all accounts which said court might lawfully make or require if such corporation was a natural person. And in accepting any trusts or powers hereunder, said corporation may qualify by one of its executive officers."

To file undertaking with clerk of court.

Suit in case of default.

Courts may make orders respecting trust accounts.

"Section 11. That the stockholders of said corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and agreements of said corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amount invested in such share."

Liability of stockholders.

Sec. 2. That section "11" of said chapter be numbered section "12."

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 196.

AN ACT TO AMEND CHAPTER 271 OF THE PRIVATE LAWS OF 1899, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE," RATIFIED MARCH 1st, 1881, BEING CHAPTER FORTY OF THE PRIVATE LAWS OF 1881, AUTHORIZING THE BOARD OF WATER COMMISSIONERS OF THE CITY OF CHARLOTTE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter 271 of the Private Laws of 1899 be and the same is hereby amended as follows: First. By striking out section 6 of said act and substituting and enacting in lieu thereof the following:

Majority of board to constitue quorum.

"Section 6. That a majority of said board shall constitute a quorum for the transaction of business, and the contracts and engagements, acts and doings of said board, within the scope of its duty or authority, shall be obligatory upon and be in law considered as if done by the Board of Aldermen of the city of Charlotte; and said board of water commissioners shall, for the city of Charlotte, take and hold the land, real estate, rights, franchises and property of every kind now owned by said city of Charlotte, or that may hereafter be purchased, for the purpose of operating and maintaining a system of water-works for said city; and said board shall have power to acquire such additional property and make such additional improvements thereto as may be necessary to at all times furnish the city of Charlotte with a sufficient supply of good, wholesome water. And in order to procure the necessary funds for that purpose said board shall have full power and authority to issue bonds, not to exceed in amount the sum of two hundred thousand ($200,000) dollars, in such form, of such denominations and payable at such time or times and places, and to bear such rate of interest, payable semi-annually, as said board shall determine. Said bonds shall be signed by the Mayor of said city as *ex officio* chairman of said board, sealed with the corporate seal of said city, attested by the *ex officio* clerk of said board; and the coupons on said bonds shall bear the engraved or lithographed signature of said clerk. All bonds so issued shall be equally and ratably secured by first mortgage or deed of trust upon all the real estate, rights, franchises and other property of every description owned and held by said board, and which was purchased by the city of Charlotte from the Charlotte City Water-works Company, as well as all other property, rights and franchises which may hereafter be purchased or acquired by said board for the purpose of extending, maintaining and operating said system of water-works for said city. Said mortgage or deed

Board of Water Commissioners to succeed to property and rights.

May acquire additional property.

May issue bonds.

Amount.

How executed.

Coupons.

How secured.

of trust shall be in such form and contain such covenants, conditions and stipulations as said board may deem necessary and proper to conform to and secure the payments of said bonds, and shall be signed in the name of "The Board of Water Commissioners of the City of Charlotte," by the Mayor as *ex officio* chairman of said board, and sealed with the corporate seal of said city, duly attested by the *ex officio* clerk of said board. In case said board shall make default in the payment of any installment of interest due on said bonds or of the principal thereof at maturity, by reason of which said mortgage or deed of trust shall be foreclosed, the purchaser of the property, rights and franchises so sold shall thereby acquire the exclusive right or franchise to maintain and operate said system of water-works in the city of Charlotte and vicinity for a period of twenty years from the date of said foreclosure: *Provided,* that said purchaser, or his or its successors or assigns, shall at all times maintain the present schedule or rate of charges or tolls for water as established by said board, and shall also continue to furnish an adequate supply of pure water for both municipal and private consumption: *Provided further,* that said purchaser, his or its successors or assigns, shall not be liable in damages to any person on account of the destruction of any house, building or other property by fire so long as said water supply shall be kept and maintained as adequate for fire purposes as the same shall have been kept and maintained by said board at the time of the foreclosure of said mortgage or deed of trust."

Form, conditions, etc.

In what name executed.

Default in payment.

Foreclosure.

Rights of purchaser.

Proviso as to rates, tolls and service.

Proviso: destruction of property by fire.

Second. By striking out section 17 of said act and substituting and enacting in lieu thereof the following:

Former act amended.

"Section 17. That the said board of water commissioners, out of the moneys derived from the collection of tolls or rents for water, shall pay (1) the costs and expenses of operating the plant or system of water-works under its control, including the cost of such incidental improvements as the board may deem necessary for that purpose; (2) the semi-annual interest upon the bonds issued by virtue of section 6 hereof, as the same shall become due; (3) the cost and expenses of such extensions and additions to the plant of said system as the board may from time to time deem advisable; (4) the semi-annual interest upon the bonds heretofore issued by the city of Charlotte for the purchase of said water-works, as the same shall become due, for a period of fifteen years from the date thereof; (5) after the expiration of which period all moneys so derived (less the cost and expenses of operating said plant, the interest on the bonds authorized to be issued hereunder and the costs and expenses of additions to the plant as aforesaid) shall be turned over to the Treasurer of the city of Charlotte, to be held by him and invested under the direction of the board of water commissioners for a sinking fund with which to pay off as they mature, first, the bonds

Application of receipts.

1. Operating expenses.

2. Interest on bonds.

3. Improvements.

4. Interest on former bonds.

5. Sinking fund.

issued by virtue of section 6 hereof in full; second, the bonds heretofore issued by the city of Charlotte for the purpose of purchasing said water-works system: *Provided*, that none of the funds of the city of Charlotte, raised by taxation, shall ever be applied to the payment of either the principal or interest of the bonds issued by virtue of section 6 hereof."

Proviso: proceeds of taxes.

Third. By striking out and repealing section 18 of said act.

Former act amended.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Sec. 3. That this act shall go in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 197.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE SCHOOL CLAIM OF MISS LEE McNAIR BY THE TREASURER OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Preamble.

Whereas, Miss Lee McNair did teach public school in Scotland County from 8th day of January, 1900, to the 13th day of April, 1900, for District then numbered 54, for whites (now numbered 5, for whites), and has not been paid for same:

County treasurer authorized to pay.

Section 1. It is enacted that the Treasurer of Scotland County be and is hereby authorized and directed to pay to Miss Lee McNair the sum of seventy dollars from the funds in his hands, or which may come to his hands, for District No. 5, for whites, of the school district of Scotland County, in full discharge of said indebtedness upon said Miss Lee McNair accepting and receipting to him for said sum of seventy dollars in full for her claim.

Receipt.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 198.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON.

The General Assembly of North Carolina do enact:

Section 1. That an act entitled "An act to amend the charter of the city of Winston," ratified 23d day of February, eighteen hundred and ninety-nine, chapter one hundred and three, be amended as follows: Strike out section 21 of said act and in lieu thereof insert the following: "That the Board of Aldermen shall provide for the establishment, organization, equipment and government of fire companies and appoint fire commissioners from their number. The Board of Aldermen shall adopt ordinances prescribing the duties and terms of office of the fire commissioners appointed under the provisions of this section." Former act amended. Aldermen to provide fire companies. Appointment of fire commissioners. Duties.

Sec. 2. That all provisions of the charter of the city of Winston as are in conflict with section 19, chapter 750, Public Laws of 1901, ratified 15th day of March, 1901, relating to the time of holding elections in cities in this State, are hereby repealed. Conflicting laws in regard to elections repealed.

Sec. 3. That section 13, Private Laws of 1891, chapter 307, be amended by striking out the words "twelve months" in line two of said section and substituting "two years" therefor. Former act amended. Two years residence required to vote.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 199.

AN ACT TO INCORPORATE THE TOWN OF TEACHEYS, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Teacheys, in Duplin County, be and the same is hereby incorporated by the name and style of the town of Teacheys, and shall be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal, not inconsistent with this act. Incorporation. Powers and privileges.

Sec. 2. That the corporate limits of said town shall be one thousand six hundred yards square, with the Masonic Lodge lot in the centre. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a Mayor, three Commissioners and a Marshal, and the following Officers.

named persons shall fill said offices until the first Monday in May, one thousand nine hundred and three, or until their successors are elected and qualified, viz.: Mayor, Jno. C. McMillan, Sr.; Commissioners, J. E. Page, Jno. C. McMillan, Jr., Thomas M. Dobson; Marshal, L. W. Moore.

Officers named until election.

Elections.

Time.

Sec. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand nine hundred and three, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said corporation who have resided twelve months within the State and ninety days within the corporate limits previous to the day of election shall be entitled to vote at said election.

Qualifications of electors.

Officers to take oaths.

Sec. 5. That it shall be the duty of the persons elected officers of said corporation to go before some justice of the peace of said county within five days after their election and take the oath prescribed by law for such officers.

Disposition of fines.

Sec. 6. That all fines collected for the violation of any of the town ordinances shall be paid into the town treasury for the benefit of said town.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 200.

AN ACT TO CONFIRM UNTO THE SUFFOLK AND CAROLINA RAILWAY COMPANY CERTAIN FRANCHISES, CHARTER RIGHTS AND PRIVILEGES GRANTED TO IT, AND TO RATIFY ITS CONSOLIDATION WITH THE EDENTON AND NORFOLK RAILWAY COMPANY AND ELIZABETH CITY AND WESTERN RAILROAD COMPANY, AND TO GRANT CERTAIN ADDITIONAL POWERS AND FRANCHISES.

Preamble.

Former acts.

Connections authorized.

Whereas, in accordance with the terms of the acts of Assembly of this State granting certain franchises and powers and corporate privileges to the Suffolk and Carolina Railway Company, known as Laws of North Carolina, chapter 94, session 1887, and Laws of North Carolina, chapter 272, session 1889, the Suffolk and Carolina Railway Company was authorized to connect its line of railway with any railway or transportation company chartered under the laws of this State, or of any other State actually connecting therewith, and to unite and consolidate with any such connecting railway or other transportation companies on such terms as the stock-

holders shall mutually agree and determine; and further, was specially authorized to consolidate and unite with the Edenton and Norfolk Railway Company on such terms as the board of directors of said two companies may determine and agree, and to lease or consolidate with any other railway now or hereafter to be constructed and operated by virtue of the laws of this State; and in pursuance of the terms of said acts of Assembly the said Suffolk and Carolina Railway Company hath leased all the property, chartered rights and privileges of the Edenton and Norfolk Railway Company and of the Elizabeth City and Western Railroad Company, a body corporate, duly incorporated under an act of the General Assembly of this State passed the twenty-second day of February, 1889, and entitled "An act to incorporate the Elizabeth City and Western Railroad Company," which act specially authorized the last named railroad company to consolidate and unite with any other railroad company or companies within or without the limits of this State under any general railroad laws or rules as may be agreed upon, not inconsistent with the laws of this State, and the said two last named companies have been consolidated with the first named, and all the outstanding shares of the capital stock of the said two last named railroad companies have been exchanged for shares of the capital stock of the said Suffolk and Carolina Railway Company in accordance with the laws of this State, as appears from the certificate filed in compliance with law with the Secretary of State of this State heretofore, to-wit, December 5th, 1902; and the said Suffolk and Carolina Railway Company, in accordance with the corporate rights and powers vested in it by said acts of Assembly and laws of this State, hath gone on to complete and construct its railway from a point on its route near Sunsbury, in Gates County, to Edenton Bay, in the town of Edenton and County of Chowan, in this State, along the route known as the route of the Edenton and Norfolk Railway Company, and further is engaged in constructing its line of railway from a point on the line of said Suffolk and Carolina Railway near Bosley in this State, along the route known as the route of the Elizabeth City and Western Railroad Company to and through the town known as Elizabeth City in this State, to the west bank of the Pasquotank River, in the county of Pasquotank in this State, which lines of railway it is intended to operate in connection with steam-boats and other lines of transportation so as to furnish additional transportation facilities to the public in said sections of this State: Therefore,

Lease.

Consolidation.

Construction of road.

Steam-boat connection.

The General Assembly of North Carolina do enact:

Section 1. That the consolidation heretofore agreed upon between the Suffolk and Carolina Railway Company and the Edenton and Norfolk Railway Company and the Elizabeth City and Western

Consolidation ratified and approved.

Railroad Company, by the terms of which the said last named two companies are consolidated with the said Suffolk and Carolina Railway Company, under the name of the said Suffolk and Carolina Railway Company, be and the same is hereby ratified and approved,

Suffolk and Carolina Railway Co. to succeed to certain rights.

and the said Suffolk and Carolina Railway Company is hereby vested with all the charter rights and privileges of the said two last named companies in addition to the corporate rights, powers and privileges heretofore granted to it in its own name by the acts of Assembly of this State mentioned in the preamble to this act, and all the corporate acts of the said Suffolk and Carolina Railway Company done under and by virtue of the charter rights, powers and privileges heretofore acquired by it as aforesaid are hereby confirmed and validated: *Provided*, that nothing herein contained shall authorize the consolidation of said company with any other railroad company whose railroad is now constructed and in operation.

Proviso: certain consolidation prohibited.

Certain grants of land, etc., confirmed.

Sec. 2. All grants of land, right of way, uses or other privileges in land heretofore made or intended to be made and granted by the Board of Aldermen of the city of Edenton and the Board of Aldermen of the city of Elizabeth City, and by the counties of Chowan, Pasquotank and of Perquimans in this State, to said Suffolk and Carolina Railway Company for its uses, be and the same are hereby confirmed, approved and given full force and effect and virtue in law, according to their terms.

May construct line to Gatesville.

Sec. 3. The said Suffolk and Carolina Railway Company is hereby authorized to construct a line of railway from a point upon its present line to the town of Gatesville, in Gates County in this State.

Stockholders' meetings.

Sec. 4. The said Suffolk and Carolina Railway Company shall have power to hold lawful meetings of its stockholders and of its board of

Where held.

directors at any place upon its line of railway in this State, or in the cities of Norfolk or Suffolk, in the State of Virginia, or in the city of Baltimore, in the State of Maryland, for the purposes of transacting all lawful corporate business, which may be designated as the general office of the said company, for the purpose of holding such meetings by resolution to be passed by a majority vote of its stockholders at any lawful meeting of its stockholders hereafter.

Corporation.

Sec. 5. The said Suffolk and Carolina Railway Company consolidated as aforesaid shall be a corporation of this State and amenable to the laws of this State.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 201.

AN ACT FOR THE RELIEF OF ROXA BILLINGS, A SCHOOL-TEACHER IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Wilkes County be and he is authorized and directed to pay to Roxa Billings, out of the school fund which now is or may come into his hands, the sum of thirty-three dollars and seventy-five cents, the same being the amount due her for her services as teacher of a free public school, white race, in District No. 7, in Walnut Grove Township, Wilkes County, N. C., for the year 1901. Payment for services as teacher authorized.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 202.

AN ACT TO AMEND THE CHARTER OF THE STONE MOUNTAIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-six of the Public Laws of North Carolina for the year 1897, ratified February 3d, 1897, be amended by adding after the word "select" at the end of the fourth line on page 74, the following: "And southwardly to the South Carolina line by such route as it may select: *Provided*, the same shall not parallel the North Carolina Railroad." Former act amended. Route regulated.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 203.

AN ACT TO INCORPORATE THE COLUMBIA AND FAIRFIELD TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That D. O. Newberry, R. I. Hassel, F. L. W. Cahoon, Percy Selby, R. A. Kohloss and W. B. Cooper, together with such other persons as they may associate with them, their successors and Incorporators.

Body politic. Corporate name. Powers. By-laws.

assigns, be and they are hereby created a body politic and corporate under the name and style of the Columbia and Fairfield Turnpike Company, by which name they may sue and be sued, plead and be impleaded, and adopt and use a common seal which they may alter at their pleasure; may make by-laws, rules and regulations for the government of said corporation, not inconsistent with law, and shall exist for the term of two hundred years and enjoy all the privileges, rights, powers and immunities usually appertaining to corporations as provided by law.

Capital stock. Shares.

Sec. 2. The capital stock of the said corporation shall be one thousand dollars, to be divided into shares of the par value of ten dollars each, with the privilege to said corporation of increasing the same to an amount not exceeding fifty thousand dollars.

Officers.

Sec. 3. The officers of the said corporation shall be a president, vice-president, secretary and treasurer and a board of directors, which shall consist of as many as the by-laws may determine, and one person may hold two offices of the said corporation if the board of directors shall so elect.

Powers.

Sec. 4. Said corporation shall have full power to buy, lease, hold and improve real estate and dispose of the same in such lots and upon such terms as the board of directors may determine, and may engage in manufacturing enterprises of any kind, and may build, equip and operate for itself or other mills, factories, furnaces, stores, warehouses and other buildings, and may pledge its property, both real and personal.

Turnpike. Route.

Sec. 5. The said corporation is hereby authorized and empowered to construct, maintain and operate a turnpike road extending from a point on the Gum Neck Road near James McClee's Ditch, in Tyrrell County, across North-west Fork to Kilkenny, thence to Fairfield, in Hyde County, by the most practical route that may be selected, with the power to construct a bridge across the head of Alligator River and North-west Fork.

May condemn land. Procedure.

Sec. 6. That whenever any land may be required for said turnpike, either for a road-way or for toll-houses or other appurtenances thereto, and an agreement cannot be made with the owner or owners of the said lands, the company or owner may, in writing, apply to the Clerk of the Superior Court of Tyrrell or Hyde Counties (having regard to the county in which the land is situated) to locate the cost or damage, if any, to be assessed by three disinterested freeholders, one to be chosen by the owner, one by the corporation and one by the Clerk of the Court. If either party, or both, shall fail to appoint after five days' notice on the application to the Clerk, then the Clerk shall appoint instead. The freeholders so appointed being notified by the Clerk shall, being first duly sworn by some person authorized to administer the oath, to act impartially, lay off a right of way not exceeding forty feet in width,

as the corporation may elect, and also, if required by the company, shall lay on a suitable site or sites for a toll-house or houses not exceeding one acre of land at each toll-house, and assess the damages, if any, to the owners of the land, taking into consideration any benefit or advantage to accrue to such owner for making such road, and return their award in writing within ten days to the said Clerk, and such award of such freeholder or commissioner, or any two of them, when returned, shall become a judgment of the Superior Court of said county, on which execution may issue as on other judgments of the Superior Court, if the amount is not paid by said company within ten days after notice of said return. If either party is dissatisfied with the award of the commissioners aforesaid they may appeal to the Superior Court as in other cases on appeal. So soon as an award is returned by a majority of such Commissioners as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for making such turnpike roads, or erecting toll-houses, as the case may be.

Site for toll-houses.

Assessment of damages.

Effect of award.

Right of appeal.

Appeal not to stay work.

Sec. 7. Said company shall be authorized to demand, recover and receive from the person using the road such compensation as they may fix, not to exceed the following fare or toll, to-wit: For two-horse or two-ox team, sixty cents each way; one-horse buggy, cart or wagon, fifty cents each way; horse and rider, twenty-five cents each way; horse and cattle ten cents each way; sheep, five cents each way; person on foot, ten cents each way.

May charge toll.

Rates.

Sec. 8. The authorities of the Penitentiary of North Carolina may furnish to the said corporation fifty convicts during July and August of 1903 and 1904, should the said corporation desire it, for the purpose of building said turnpike, and the said corporation shall pay to the said authorities the actual expense of transportation of said convicts and their care, including their board and expense of guard, by issuing to the State of North Carolina capital stock of the said corporation in payment of said expense, and should the said corporation use the said convicts as aforesaid, and stock be issued to the State of North Carolina, then at all times the Governor of the State shall have the right to appoint two of the board of directors; and that in the event that any stock is issued to the State and the Governor does appoint two members of the board of directors, the stockholders shall have the right to elect only three of the board of directors, and the board shall consist of five members.

Penitentiary may furnish convicts.

Stock of corporation in payment for same.

Governor to appoint two directors.

Number of directors.

Sec. 9. The board of directors may require payment of the subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in case any subscriber shall fail to pay the amount of his subscription after fifteen days'

Payment of capital stock.

Sale of stock of delinquents.

notice given in writing, the directors may sell the said share or shares of stock so subscribed for by him, at public auction, or so many of them as may be sufficient to pay the amount of his subscription then remaining unpaid, and if a balance shall remain unpaid after applying the proceeds of the sale as aforesaid, the same may be recovered from such delinquent subscriber by the said corporation, before any court having jurisdiction, of the amount so remaining unpaid.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 204.

AN ACT TO CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Former acts amended.

Section 1. That chapter nineteen, Private Laws of eighteen hundred and sixty-six, incorporating the town of Company Shops, and

Body politic.

all acts amendatory thereof, be amended to read as follows: That the inhabitants of the city of Burlington shall be and continue as

Corporate name.

heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City

Property rights.

of Burlington," and under that name and style it is hereby invested with all the property and rights of property which now belong to the present corporation of the city of Burlington or any other cor-

Powers and privileges.

porate name or names heretofore used, and by the corporate name of "The City of Burlington" may purchase and hold for its use all such estate, real and personal, as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and re-invest, as shall be deemed advisable by the Board of Aldermen of the said corporation of the city of Burlington, and under the name and style of "The City of Burlington" said corporation may sue and be sued, plead and be impleaded in any and all courts

Common seal.

of this State; contract and be contracted with, and adopt and use a common seal, which may be altered at the pleasure of the Board of Aldermen.

Corporate limits.

Sec. 2. That the corporate limits of the city of Burlington shall remain the same as in the original charter of the town of Company

Manufacture and sale of liquors prohibited.

Shops. The same special enactments prohibiting the sale and manufacture of spirituous and fermented liquors shall remain in full force and effect.

Sec. 3. That the city of Burlington shall be divided into four wards, as follows: The first ward shall contain all that part of the city west of the track of the North Carolina Railroad and north of Main street. The second ward all that part of the city east of the main track of the North Carolina Railroad and north of Tarpley street. The said third ward all that part of the city east of the said track of the North Carolina Railroad and south of Tarpley street. The fourth ward all that part of the city west of the main track of the North Carolina Railroad and south of Main street. Division into four wards. First ward. Second ward. Third ward. Fourth ward.

Sec. 4. The administration and government of said city shall be vested in one principal office, to be styled the Mayor, and a board of eight Aldermen. Upon the adoption by a majority of all the Aldermen of the city of an ordinance authorizing and directing so to do, the Mayor shall convey any property, real or personal, the title to which may be in the city, and any deed signed by him as Mayor, attested by the clerk of the board of Aldermen, to which the corporate seal of the city shall be affixed, shall be sufficient in law to pass title. Government. Mayor and Board of Aldermen. Sale and conveyance of property.

Sec. 5. The Mayor shall be elected by the qualified voters of the whole city voting in their respective wards. Election of mayor.

Sec. 6. Each ward shall elect two Aldermen, and such Aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward for the time and in the manner hereinafter prescribed; the removal from the ward electing him, by any Alderman, shall forfeit his place as Alderman. The Board of Aldermen shall have power to determine all questions as to a vacancy. Election of aldermen. Removal of residence. Vacancies.

Sec. 7. The Board of Aldermen shall make regulations to cause the due observance of Sunday; appoint and remove at will, and regulate a police force, who shall execute such precepts as the Mayor may lawfully issue to it to preserve the peace and order of the city and to execute the ordinances thereof; to suppress and remove nuisances, preserve the health of the city from infectious or contagious diseases, and shall appoint and provide for the pay and prescribe the duties of all such officers as may be deemed necessary. Police powers.

Sec. 8. The election for Mayor and the Board of Aldermen of the city of Burlington shall be held on Tuesday after the first Monday of May, 1903, and biennially thereafter. Elections, when held.

Sec. 9. That the Mayor when present shall preside at all the meetings of the Board of Aldermen; and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duty. Meetings of Board of Aldermen. Mayor to preside. To vote only in case of tie. Mayor pro tempore.

Sec. 10. That the Aldermen shall form one board, and a majority Meetings of board.

of them shall be competent to perform all the duties prescribed, unless otherwise provided. At its first meeting it shall fix stated place and times of meeting for the year, which shall be as often at least as once in every month; special meetings of the Aldermen may also be held on the call of the Mayor, or a majority of the Aldermen, and at every such meeting when called by the Mayor all the Aldermen shall be notified, and when called by a majority of the Aldermen such as shall not join in the call shall be notified. Notice of any called meeting shall be given at least four hours before the meeting, and said notice may be given in writing or orally by a policeman.

Special meetings, how called.

Notice.

Powers of board.

Ordinances, etc.

Sec. 11. That the Board of Aldermen when convened shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary, not inconsistent with this act or with the laws of the land.

Vacancy in office of mayor, board to elect successor.

Term of office.

Sec. 12. In case of a vacancy in the office of Mayor or Alderman, the Board of Aldermen shall, at the next meeting after the vacancy, proceed to elect a successor, who shall hold his office until the next regular election.

Election officers.

Sec. 13. The Board of Aldermen, for the purpose of holding the election for said officers, shall appoint a registrar and two inspectors, for each ward, the two inspectors to be of different political parties. The registrar for each ward shall keep the registration book open for thirty days preceding each election, from nine o'clock A. M. to six P. M., at some convenient place in his ward, of which he shall post notices at three public places in his ward within three days after his notification; and the books shall close for registration at 12 o'clock M. on the Saturday next preceding the day of election. And no one shall vote at these elections without registration: *Provided,* any one coming of age or has for any other reason become entitled to register and vote, after the books close for registration and on or before the day of election may register and vote on the day of election. The registrar and the inspectors for each ward shall post a written notice at three public places in each ward, ten days before each election, of the time and place of holding said election. The registrars, before entering upon the discharge of their duties, shall be sworn by the Mayor or a justice of the peace to faithfully perform their duty according to law. The inspectors shall be sworn by some justice of the peace, as in election for members of the General Assembly, and they shall conduct the election in like manner and during the same hours of the day as elections for members of the General Assembly; and at the close of the polls they, together with registrar, shall make out and sign a report, giving the name and office voted for and number of votes cast for each candidate or other person voted for. This

Registration book.

Rules and regulations.

Notice of election.

Registrar and inspectors.

Election returns.

report shall then be placed in an envelope, sealed and directed to the Mayor of the city of Burlington. It shall be the duty of each registrar to file with the Mayor this report, the registration book and a poll of the votes within twenty-four hours from the closing of the polls. On Thursday succeeding each election, at the usual hour of meeting, the Mayor of the city of Burlington and the Board of Aldermen shall meet in the Mayor's office, open and count the votes as given in the different wards, and declare the result of the election; the Board of Aldermen at such meeting shall make or cause to be made two returns or statements showing the tabulated vote for each and every person voted for for Mayor and Alderman. This tabulated statement shall be spread upon the minutes of the board and a copy be posted in the Mayor's hall and a copy sent to the Clerk of the Superior Court of Alamance County, to be by him enrolled in the book of election returns.

Canvass of returns.

Publication of result.

Sec. 14. The qualifications of the electors shall be the same as those prescribed by the Constitution and laws of the State of North Carolina for the election of members of the General Assembly in all respects; the residence in the State and county shall be the same, and the elector shall also have resided in the city four months, and shall be a *bona fide* resident of his ward on the day of election, and the place of residence shall be determined as by law provided with respect to wards or precincts in election of county and State officers.

Qualifications of electors.

Sec. 15. The Board of Aldermen shall have power, with the assent of the qualified voters of the city, as hereinafter provided, to issue bonds and to levy additional taxes for the payment of the interest on the same, and to provide a sinking fund for the liquidation of said bonds at maturity, for the following purposes, to-wit, for the mending and improving the streets and sidewalks of the city by pavement or otherwise; for the providing a supply of water for the city for the use, convenience and health of the people and as a protection to property against fire; for a sewerage system, and for the furnishing of lights for said city and its people. Before any bonds are issued, the proposition to do so shall be submitted to the qualified voters of the city at an election, either at a general election for Mayor and Aldermen or a special election to be ordered by the Board of Aldermen. The issue of bonds for lights shall not exceed two (2) per cent. of the assessed value of the real and personal property of said city; for water, not to exceed three (3) per cent. of the assessed value of the real and personal property of said city; for sewerage, not to exceed two (2) per cent. thereof; for street improvement, not to exceed three (3) per cent. of the assessed value of the real and personal property of said city. If a special election is ordered by the Board of Aldermen, then thirty days' notice thereof shall be given and registrars appointed and poll holders chosen in each, just as required for a general election.

Issue of bonds.

Assent of qualified voters.

Purposes.

Bond election.

Amounts.

Thirty days' notice of election.

Publication of same.

Contents of notice.

Designation of bonds.

Ballots.

Returns.

Transmitted to Clerk Superior Court.

Denominations of bonds.

Rate of interest.

Coupons.

Term.

Not to be sold at less than par.

Application of proceeds.

Execution of bonds.

And whether the election is a general election or a special election, notice thereof shall be given for thirty days in a newspaper of general circulation in the city, and said notice shall state the amount for which it is proposed to issue bonds, the denomination of the bonds, how long to run, the rate of interest to carry and how often the interest to be paid, and whether by coupons or otherwise, and the special purpose to which the proceeds and sale of bonds shall be applied. A proposition to issue bonds for one or more or all of the purposes hereinbefore mentioned may be submitted at the same election, but the published statement shall set forth the full particulars as to each, or the propositions may be submitted one at a time and at different elections. Those bonds for a supply of water shall be designated on the face "Water-works Bonds"; those for furnishing lights "Light Bonds"; those for sewerage "Sewerage," and those for improving streets and sidewalks "Street Improvement Bonds." The electors who wish to assent to the issue of any class of bonds shall vote a ballot, printed or plainly written on white [paper], with the word "Approved" before the name of the bond of which he wishes to assent; and those wishing to withhold their assent shall vote a ballot on white paper, on which shall be plainly written or printed the word "Disapproved" before the name of the bonds he wishes to disapprove. The votes shall be counted, tabulated, returned, and the result declared in all respects as provided for in the election of Mayor and Aldermen, with this exception: when the issue of bonds is not approved by a majority of the qualified electors, a copy of the returns need not be sent to the Clerk of the Superior Court, and if any class of bonds are approved by a majority of the qualified voters of the city, then a copy of the returns and also of the poll books of the wards shall be transmitted to the Clerk of the Superior Court and be by him recorded and filed. Should the proposition to issue bonds for either of the purposes above mentioned be approved by a majority of the qualified voters of the city, then the Board of Aldermen shall proceed to issue said bonds in denominations of one hundred ($100) to five hundred ($500) dollars each, as may be determined, carrying interest at a rate not greater than six per cent. per annum, payable semi-annually, with coupons in payment of the interest attached, and the principal payable at the expiration of thirty (30) years from the date of issue. The said bonds shall not be sold or hypothecated for less than their par value. The fund raised by the sale of bonds for furnishing lights shall be used for furnishing lights and for no other purposes, and so also with respect to those for supply of water and the improvement of streets. The bonds shall be signed by the Mayor, attested by the clerk of the Board of Aldermen, and shall have affixed the corporate seal of the city; the coupons shall be signed by the Mayor only. The Board of Aldermen shall have

sole control and direction of the issue and sale of bonds, and shall cause accurate accounts to be kept of the sale of each bond of each class, the price obtained, and detailed, itemized account of the expenditure of the proceeds, and shall take care that the proceeds of each class are applied to the uses and purposes for which the issue was approved. And it shall be the duty of the Board of Aldermen of said city, upon the presentation to them of a petition signed by fifty of the citizens of the city of Burlington, to pass an ordinance submitting the question of issuing bonds for either or all of the aforesaid purposes to a vote of the people. And when any election is ordered for the issue of bonds for any of the foregoing purposes, a new registration of the voters of said city shall be had.

Accurate accounts to be kept.

Petition for election.

Election.

New registration.

Sec. 16. The Board of Aldermen shall have power, in the name of the city of Burlington, to make contracts and to become the owners or part owners of electric light plant and water plant, and shall have power to contract with private individuals, firms or corporations for light or water supplies and to charge a reasonable compensation therefor.

Board may make certain contracts.

Sec. 17. That no Mayor or Aldermen or other officer of the city government shall directly or indirectly become a contractor for work to be done by the city; and any person herein offending shall be guilty of a misdemeanor.

No city officer to contract with city.

Violation a misdemeanor.

Sec. 18. When any land or right of way shall be required for the purpose of opening or laying out new streets or widening those already opened, or for drainage or sewerage, and the land owner or owners and said Aldermen cannot agree upon the price which the land owner or owners will take and convey the right and easement to the said city, the same shall be taken at the valuation of three freeholders of the said city, to be chosen as follows: The Aldermen shall select one, the owner or owners of the land one, within three days after notice in writing to the land owner or owners from the Aldermen of the selection, and the two freeholders thus selected shall select the third man, also a freeholder, and these persons shall assess the damages, if there be any, within five days after the notice from the Aldermen to the land owner or owners above mentioned; and if the owner or owners of the land fail to select a man within three days as aforesaid, then the Aldermen shall select two men, and the two thus selected shall select a third man, and the three men thus selected shall assess the damage to the land within the time aforesaid. The said freeholders, when so chosen, shall be first duly sworn by the Mayor or a justice of the peace to do impartial justice, and shall view the premises and the land on which the right and easement is demanded, and in making assessment of damages shall take into consideration any benefit or advantage such owner or owners may receive from the opening or widening of such street, or making and maintaining of such drain-

Condemnation of land.

Procedure.

Assessment of damages.

Assessors to take oath.

May consider advantage to landowner.

Report.

age or sewerage, and shall ascertain and report to the Aldermen under their hands and seals, what amount or sum shall be paid to the land owner or owners, which report, on being confirmed by the Board of Aldermen and spread upon the minutes of said city, shall have the force and effect of a judgment in favor of said land owner or owners against said city of Burlington for the amount of dam-

Right of appeal.

ages assessed: *Provided*, that either party may appeal to the next term of the Superior Court of Alamance County upon the question of damages, and notice of appeal must be served in writing within ten days from the report of the freeholders and notice to the land

Appeal not to delay work.

owner that said report has been filed; but no appeal shall delay the opening or widening of any street or making any drainage or sewerage.

Where land-owner is infant, lunatic or non-resident.

Sec. 19. That in case the owner or owners of land on which right of way and easement is desired, as stated in preceding section, are

Procedure.

infants, lunatics or non-residents, it shall be the duty of the Aldermen to file a petition before the Clerk of the Superior Court of Alamance County on behalf of the said city of Burlington, making defendants the parties on whose land the right of way and easement is desired, and such petition shall set forth in detail the lands on which said right of way and easement will run, and the termini of said street or drainage or sewerage, and such proceedings as to notice and time of hearing shall be governed by the laws governing other special proceedings, and upon the hearing the Clerk shall appoint three disinterested persons, citizens and freeholders of the city of Burlington, as commissioners, who shall view the premises and shall ascertain and report to the Clerk, under their hands and seals, what amount or sum shall be paid to the land owner or owners by way of damages, and the order of the Clerk of the Superior Court, if report is confirmed by him, together with the report of the commissioners, shall be spread upon the minutes of the city of Burlington, and shall pass the right of way of easement in said land to the city of Burlington, and shall have the force of a judgment in favor of said land owner or owners against said city of Burlington for the damages assessed.

Subjects of taxation.

Sec. 20. That all property the subject of taxation by the State and county shall be likewise subject to taxation by the city of Burlington; and the Board of Aldermen shall also have power to levy such privilege taxes as it may see fit, not inconsistent with the laws of the State; and it shall be the duty of the Mayor of said city to obtain from the office of the Register of Deeds of Alamance

Assessed value of property.

County the assessed value of all real property in the city of Burlington, and of all personal property liable to taxation in said city, and to compute the tax upon the same and have tax list ready to turn over to the Tax Collector by the first Monday in October of each year, at which time the taxes of said city shall be due and

payable. The rate of taxation for general purposes shall not exceed one ($1) dollar on the hundred. Rate of taxation.

Sec. 21. That the land in said city abutting on sidewalks and streets shall be liable to special assessment for the improvement of the sidewalk upon which the land may abut, the improvement to be by grading, curbing, paving, or in such manner and of such character as the Board of Aldermen may determine; and to that end the Board of Aldermen are hereby authorized and empowered from time to time to designate such sidewalks or parts of sidewalks as they may elect as assessment districts, and to improve such sidewalks or parts of sidewalks so designated in such manner as it may see fit, and assess the land abutting thereon for the payment of a portion of the cost of improvement, not to exceed fifty per cent thereof; the assessment to be ratably levied with respect to the distance each lot or parcel of land abuts on said designated sidewalk within said district: *Provided*, the total cost of said improvement shall not exceed one dollar and fifty cents ($1.50) a square yard. Immediately upon the completion of the improvement upon designated sidewalk the owner of each lot or parcel of land abutting thereon shall be notified in writing, a copy of which notice shall be left with him, if he be a resident of the city or of the county of Alamance, of the amount of the assessment on his lot or parcel of land; and if the owner shall be a non-resident of the city and of the county, and have a known agent resident of the city or the county, then such notice shall be personally served upon such agent; and if the owner be a non-resident of the city and county, and if no known agent resident in either, then such notice shall be mailed to him, if his address be or can be by diligent inquiry ascertained, and also published for six successive weeks in some newspaper published in Burlington; and said notice shall specify a time within which said assessment shall be paid, which shall not be less than six months from and after the service of the notice, and if publication be made, the notice shall be deemed served at the expiration of the time of publication. The said assessment shall be a lien on said abutting land, and if the owner shall refuse or neglect to pay the full amount of the assessment so made against any lot or parcel of land within the town mentioned in the notice, then the Mayor may sell the same at public outcry to the best bidder, at the door leading to the Mayor's office, for ready money, after advertising time, place and terms of sale as may be required by law of sheriffs in selling land under execution; and if said lands at such sale shall not bring more than the assessment against it, and the cost of advertising sale, the said Mayor shall bid it in for the city; if bid in by the Mayor for the city the owner shall, within one year from the sale, pay to the city the amount of the assessment and cost of advertising sale and ten per cent. thereon,

Special assessment for improvements.

Limit of cost of improvement.

Notice to owner.

Publication of notice.

Assessment to be lien on land.

Foreclosure of lien.

Mayor to bid for city.

Redemption in one year.

Execution of deed to purchaser.

and thus divest his land of the lien. If the owner fail to pay within one year, then the Mayor shall execute deed for said land to the city, and his deed shall be sufficient in law to convey the title of

Where another than the city purchases.

the owner. If said land shall be knocked down to another than the city, then the Mayor shall give to the purchaser a receipt for the price bid, and shall apply so much of the money paid as may be necessary to pay the assessment and cost of advertising sale, and

Redemption in one year.

the balance he shall turn over to the owner, and the owner may, within one year from said sale, pay to the purchaser of said land the amount of his bid, together with ten per cent. thereon, and thereupon the purchaser shall surrender the receipt and have no

Deed to be executed after one year.

further claim on said land. In default of the owner's paying within one year, as provided he may do, the Mayor shall, at the expiration of the year, execute a deed in fee to the purchaser of said land, which shall be sufficient in law to convey the estate of the owner therein.

Public health.

Sec. 22. The Board of Aldermen shall have power to make such

Rules and regulations.

provisions as they may deem necessary to preserve the health of said city, and to take all neeessary measures to preserve said city from

Quarantine.

contagious and infectious diseases, and to declare and enforce quarantine regulations therein, with all rights of entry upon the property and other rights of every character necessary therefor; to cause

Contagious and infectious diseases.

any person in the city, or within two miles of its corporate limits suspected to be infected with contagious or infectious diseases, whose presence may endanger its health, to be removed or confined; to remove or destroy any furniture or other articles which may be

Destruction of infected property.

suspected of being tainted or infected with such disease, and neither the city or any officer or person directing or causing such removal

Board of health.

or destruction shall be responsible therefor in damages. And for the better carrying out of the foregoing powers the Board of Aldermen of the city of Burlington shall create and establish a board of health, and to be called the "Board of Health of the City of Bur-

How constituted.

lington"; said board shall be composed of the Mayor, the Secretary and Treasurer of the city and a reputable licensed physician, a resident of the city of Burlington, which physician shall be elected by the Board of Aldermen, and said physician shall be chairman of

Powers of board of health.

said board of health; and this board shall have power to do whatsoever, in their discretion, may be necessary for the preservation

Salary of physician.

of the health of said city. The Board of Aldermen shall provide for a salary for the physician who shall be made a member of the board of health, of not less than one hundred ($100) dollars per annum nor more than one hundred and fifty ($150) dollars per

Monthly reports of births and deaths.

annum. And each and every practicing physician or midwife in said city shall render to the chairman of the board of health a monthly statement of the births in his or her practice, and each and every practicing physician shall render to said chairman a

monthly statement of the deaths occurring in his practice, showing the cause of death in each instance; and it shall be the duty of the chairman of the board of health to consolidate and tabulate all these reports and make his report to the Board of Aldermen on or before the 15th day of each and every month; and any physician or midwife failing to make such reports shall be guilty of a misdemeanor, and it shall be the duty of the chairman of the board to prosecute all physicians failing to make the reports as herein required.

Violation of this section a misdemeanor. Penalty. Chairman of board to prosecute.

Sec. 23. That among the powers hereby granted, the Board of Aldermen of the city of Burlington shall establish two or more public cemeteries, and may from time to time, as necessity may require, purchase and hold lands for the purpose of establishing or enlarging the public cemeteries; and such cemeteries shall at all times be under the direction, care and control of the Board of Aldermen, and the funds arising from the grant or grants of easement in said cemeteries shall be kept separate and apart from the other funds of the city of Burlington and shall be used only for the purpose of keeping up and maintaining said cemeteries. It shall be unlawful to permit the burial or interment of dead bodies in any place within the corporate limits of the city of Burlington save and except in those cemeteries owned and under the control of the said city of Burlington; and any person or persons interring any dead body in any other place than the cemeteries owned or controlled by the city shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned not less than six months nor more than twelve months: *Provided, however,* that this act shall in nowise interfere with the burial of the dead in any cemetery already established and now in use in said city of Burlington.

Powers of board of aldermen. Public cemeteries. Burial permits. Violation a misdemeanor. Penalty. Proviso.

Sec. 24. That among the powers hereby conferred the Board of Aldermen may pass such ordinances as it may deem wise for the regulation of the speed of locomotives and trains, and to prevent the stoppage of public crossings or streets by locomotives or trains within the corporate limits of the city.

Regulation of speed of trains and stoppage of crossings.

Sec. 25. That all processes issued by the Mayor shall run and extend a half mile beyond the corporate limits of the city in all directions, and any policeman or other lawful officer to whom they are directed may execute them within a half mile of said corporate limits, and the power of jurisdiction of the Mayor and policeman of said city for purposes of preserving the peace and apprehending persons [charged] with a breach of the peace, shall extend a half mile outside of and beyond the corporate limits of the city in all directions.

Territorial limits of the authority of mayor and policemen.

Sec. 26. That in addition to the powers herein contained the said officers shall be governed in their powers and duties by chapter 62, Volume II of The Code of North Carolina.

Additional powers.

Conflicting laws repealed.

SEC. 27. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 28. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

CHAPTER 205.

AN ACT TO AMEND THE CHARTER OF THE CITIZENS BANK OF REIDSVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That chapter 2 of the Private Laws of 1885, being the charter of the Citizens Bank of Reidsville, North Carolina, be and the same is hereby amended by adding at the end of section 3 thereof the following: "*Provided*, that at any meeting of the stockholders, duly called for the purpose in the [year] 1903, the number of directors of said bank may be increased to seven (7) instead of five (5): And *Provided further*, that at each regular annual meeting of the stockholders thereafter the number of directors of said bank for the next succeeding year shall be determined by a vote of the stockholders of the bank, the directors determined upon and elected in no instance to be less than five nor more than twelve."

Increase of directors.

Stockholders may change number from time to time.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

CHAPTER 206.

AN ACT TO AMEND CHAPTER 344 OF PRIVATE LAWS OF 1899, ENTITLED "AN ACT TO INCORPORATE SALISBURY AND FAYETTEVILLE COAST LINE RAILWAY COMPANY."

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That chapter 344 of the Private Laws of 1899, entitled "An act to incorporate Salisbury and Fayetteville Coast Line Railway Company," be and the same is hereby amended by adding the following after section 10 thereof, to-wit: "SEC. 11. That three years from and after March 27th, 1903, shall be allowed said company for the purpose of organization."

Time in which to organize.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 207.

AN ACT TO INCORPORATE THE CITIZENS SAVINGS AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. H. Battle, S. C. Vann, I. M. Procter, W. F. Utley, J. S. Wynne, A. B. Andrews, W. A. Myatt, R. N. Page, J. C. Drewry, J. R. Rogers, J. D. Ballentine and Joseph G. Brown, and their associates and successors, are hereby created a body politic and corporate under the name and style of "The Citizens Savings and Trust Company," and by such name, or any amendment or alteration thereof, as hereinafter provided, shall have all franchises, rights and privileges incident to a corporation. Incorporators. Body politic. Corporate name. Powers.

Sec. 2. That the corporators above named, or any five of them, may open books of subscription at such times and places and for such period or periods as shall be determined; and after one hundred and fifty shares of one hundred dollars each shall have been subscribed, upon ten days' notice issued by said corporators, or any five of them, the subscribers may meet and organize by the election of a board of not less than five trustees (or directors), who shall manage the affairs of the corporation for one year, or until their successors are elected, and who shall elect a president and all other necessary officers, employees and agents. Books of subscription. Organization. Preliminary management.

Sec. 3. That the capital stock of the said corporation shall not be less than fifteen thousand dollars, but the same may be increased from time to time to an amount not to exceed one million dollars, to be divided into shares of the par value of one hundred dollars each; and the corporation shall have authority to transact business whenever one hundred and fifty shares shall have been subscribed and the full par value thereof paid. Capital stock. Par value of shares. Commencement of business.

Sec. 4. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy. At all stockholders' meetings each share of the stock shall be entitled to one vote, either in person or by proxy. Transfer of stock. Voting power of stock.

Sec. 5. That the principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina, but branch offices or agencies may be at any time established at such Principal place of business. Branch offices.

Officers.

place or places in said State as a majority in stock of the stockholders may designate. The officers of the corporation shall consist of a board of not less than five trustees (or directors), a president and such other officers and employees as the board of trustees (or directors) shall from time to time deem necessary to properly conduct the business of the corporation. The board of trustees (or directors) shall be elected annually by the stockholders; the trustees (or directors) so elected shall choose the officers aforesaid, and may at their discretion require any or all of said officers, and such other employees as they may think advisable, to give bond with approved security for the faithful performance of their respective duties.

Trustees or directors. Election.

Election of officers.

Bonds.

Powers of corporation.

Sec. 6. That the corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, hold, possess, improve, hypothecate and convey real, personal and mixed property; to make by-laws and regulations for the management of the business and property of the corporation; and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do; and that the said corporation shall have full power and authority at any time to change, alter or amend its corporate name by the vote of a majority (in shares) of its stockholders at any general or special meeting; and upon any change of name, copy of resolutions to that effect to be filed in office of Secretary of State: *Provided*, no such change of name shall be permitted except upon payment of the tax required by law.

May do general banking business.

Sec. 7. That the said corporation shall have the right to do a general banking business; to receive deposits; to make loans and discounts; to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security or mortgage, pledge, deed or otherwise on any lands, hereditaments or personal property or interest therein of any description, situated anywhere; to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law, and to collect such interest in advance.

May take interest in advance.

May become stockholder in other corporations.

Sec. 8. That the said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person

Dealing in stocks, bonds, etc.

any shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said company or individuals, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock, as may be agreed upon, without liability on such stock so purchased or subscribed for, beyond the agreed terms of said purchase or subscription; and that the said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of trustees (or directors) may agree to, as an investment or otherwise.

Powers.

Sec. 9. That the said corporation shall be invested with all the powers and privileges usually incident to or that may by the laws of said State of North Carolina be hereafter conferred upon banking institutions and savings banks, with the right to receive deposits, the limit to be fixed by its board of trustees (or directors), and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of trustees (or directors) are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Savings bank business.

Married women and minors.

Sec. 10. That the said corporation may receive deposits from minors and married women and open accounts with them in their own name, whether for investment or otherwise, and when any deposit shall be made in the name of any minor or married woman the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her receipt or acquittance, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

May become surety.

Execution of surety bonds.

Sec. 11. That the said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the corporation to do so.

May act as agent.

Commission business.

Sec. 12. That the said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, county, town, municipality, corporation,

company or person any bond, certificate of stock, or any description of property, real or personal, or for guaranteeing the payment of any such bond, certificate of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on, in and for any of the matters and things authorized by this charter.

May act as trustee, executor, etc.

Sec. 13. That the said corporation shall have power to receive money in trust; to become executor or administrator for any estate; and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons, and it shall also have power to accept any grant or transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of the State of North Carolina, and to execute the same on such terms as may be established and agreed upon by the board of trustees (or directors); and in all cases when application shall be made to any court of said State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint The Citizens Savings and Trust Company, its successor or assigns, as such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person; and upon such settlement and adjustment all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its services, care and management in the premises, and the said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of said State: *Provided*, that any oath required by law to be taken, in order for qualification to any of the offices or trusts above mentioned, may be taken by any officer of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Appointment by court.

Subject to decrees, etc., of court.

Qualification by officer of corporation.

Depository for funds in litigation.

Sec. 14. That the said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of said State of North Carolina, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate, and that it shall have power and authority to receive for safe-keeping on deposit all money, bonds, securities, stocks, diamonds, jewelry, gold and silver plate and other valuables, and to charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on in all of its branches the business of a safety deposit and trust company; and that said corporation shall also have power

Safety deposits.

May issue bills, etc.

to issue bills or notes to circulate as currency, in such denominations as the board of trustees (or directors) may authorize, and under such regulations as may be hereafter authorized and provided by the laws of the said State of North Carolina and the United States.

Warehouse and storage business.

Sec. 15. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of cotton, goods, wares, merchandise and other products, and may charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; may make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; may make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and that the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery and entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such an assignment been made.

Rules and regulations.

Warehouse receipts negotiable.

Individual liability.

Sec. 16. The stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 208.

AN ACT TO AUTHORIZE THE TOWN OF OXFORD TO ISSUE BONDS TO ESTABLISH A SYSTEM OF ELECTRIC LIGHTS AND WATER-WORKS.

The General Assembly of North Carolina do enact:

Authority to issue bonds.

Section 1. That for the purpose of building, equipping and maintaining a system of water-works or electric lights, or both, as the Board of Commissioners may determine, for the town of Oxford, the

Board of Commissioners of Oxford be and it is hereby authorized and empowered to issue coupon bonds, bearing interest payable annually, at a rate not exceeding five per centum per annum, to an amount not exceeding twenty-five thousand dollars, in denominations of not less than one hundred and not more than one thousand dollars, to be made payable not more than thirty years from date of their execution, with a provision therein inserted that the said bonds may be paid or redeemed within a time not less than ten years from the date of their execution, at the option of the town. This period may be lengthened or shortened by the board, or the provision be omitted from the bonds, as the board may decide.

Rate of interest.
Amount. Denominations.
Term.
When redeemable.

Execution of bonds.

Sec. 2. Said bonds shall be signed by the Mayor of the town and countersigned by the Treasurer and sealed with the corporate seal of the town, and the coupons on said bonds shall bear the engraved or lithographed signature of the Treasurer, and shall be made payable, both principal and interest, at such place or places as the board may determine. The said bonds shall be sold at public or private sale, with or without notice, as the Board of Commissioners of the town may determine, for not less than their par value and accrued interest, and the proceeds of said bonds shall be applied for the purposes hereinbefore set out and no other, and the purchaser of said bonds shall not be bound to see to the application of the purchase money: *Provided*, that no debt shall be created and no bonds issued under this act unless the board shall have first passed an ordinance by a majority vote of the entire board, taken and recorded at two separate regular or special meetings of the board, submitting the question of creating the debt and issuing bonds to a vote of the people, and a majority of the qualified registered voters shall have voted in favor thereof.

Sale of same at not less than par.
Application of proceeds.
Purchaser not to see to application.
Proviso: submission to vote of people.

Bond election.
Publication of notice.

Sec. 3. That said election shall be held on the first Monday in May, 1903, the regular time for the municipal election, and notice of said election shall be given by the Mayor, by advertisement in some newspaper published in the town, at least once a week for five consecutive weeks next preceding the day of election, in which notice shall be stated the time and place as fixed by the board for opening the registration books and registering voters. At said election those who favor creating the debt and issuing bonds as aforesaid shall vote a ballot whereon is written or printed the word "Approved," and those who oppose it shall vote a ballot whereon is written or printed the words "Not Approved."

Contents of notice.
Ballots.

Rules and regulations.
Returns.

Sec. 4. That said election shall be held in the usual way and manner and under the same laws, rules and regulations under which town elections are held, by the regularly appointed registrars and inspectors for the same. Within three days after the election they shall file with the Town Clerk a written statement of the result of the election, duly certified under their hands and seals, which shall

be recorded by the Clerk in the minutes of the board, and the books for the registration of voters shall be deposited with the Town Clerk by the registrar at the time of filing their statement of the result of the election. Recording, etc.

Sec. 5. That the Board of Commissioners of the town of Oxford are hereby authorized, required and directed to levy and collect, in addition to all other taxes in the town, a tax upon all the taxable property and polls in said town of Oxford, sufficient to pay the interest on said bonds as the same may become due, and also on or before the time when the principal of said bonds shall become due to levy and collect a further special tax to pay for the same or to provide a sinking fund for the payment thereof. Said levy for the sinking fund shall begin ten years from the date of issuing said bonds. The tax so levied shall be an *ad valorem* tax in the proportion required by the Constitution of North Carolina, and shall be levied and collected at the same time as other taxes upon the property and polls of the town. Special tax. Sinking fund. Constitutional equation.

Sec. 6. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified this the 2d day of March, A. D. 1903.

Chapter 209.

AN ACT TO AMEND THE CHARTER OF THE PIEDMONT SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter three hundred and forty-five of the Private Laws of North Carolina, passed at the session of eighteen hundred and ninety-nine, be and the same is hereby amended as follows: After the words "Allowed by law," in the last line of said section, insert "And the said corporation shall have power to act as executor, administrator, guardian, trustee, trustee in bankruptcy, receiver, insurance agent or depository for court funds, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on by the parties. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fidu- Former act amended. May act as executor, guardian, trustee, etc. Depository for court funds. Bond, how given.

ciary, it shall be lawful for and before assuming to perform any such trust under order of any court, the said corporation shall file in the office of the Clerk of the Superior Court of Forsyth County an undertaking with sufficient security, with either personal sureties or corporate surety authorized to execute bonds in the State of North Carolina, or bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security approved by the said Clerk of the Superior Court, and to be approved by the said Clerk, and the said undertaking so secured may be accepted by the said Clerk and held as security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said corporation by order of any court of North Carolina, or any U. S. Court as aforesaid. In case of default in the performance of any trust so committed to said corporation as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative, in the Superior Court of Forsyth County. The Superior Court of Forsyth County, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same. A copy of such undertaking, duly certified by the seal of the Superior Court of Forsyth County, and if secured by bonds of the State of North Carolina or of the United States, or of any county or city or other security as aforesaid, a statement thereof so certified shall be evidence in the Court of North Carolina and Courts of the United States and the Superior Court wherein the said corporation shall have been appointed guardian, executor, administrator, receiver, trustee or depository shall have the power to make orders respecting such trusts, and to require the said corporation to render all accounts which said courts make or require if such trustees were a natural person. And in accepting any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers, and the said corporation shall use due diligence to enhance the income, rents and profits of any trust estate within its hands; but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments: *Provided*, that in all cases where this corporation becomes administrator or guardian it shall give bond in amounts required by the laws of North Carolina for administrators and guardians, and if it shall become executor in any case where a bond is required of executors under the laws of this State, then the corporation shall give such bond.

Surety.

Approval by Clerk of Superior Court. Amount of undertaking.

In case of default.

Additional undertaking.

Certified copy and statement to be evidence.

Subject to orders of court.

Qualification by officers.

Duties of corporation.

Proviso.

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 210.

AN ACT TO INCORPORATE THE MERCHANTS AND FARMERS BANK OF COLUMBIA, N. C.

The General Assembly of North Carolina do enact:

Section 1. That D. O. Newberry, Jr., C. Meekins, Sr., T. H. Woodley, W. B. Cooper, W. P. LeRoy, F. L. W. Cahoon, Jefferson Davis, S. M. Combs, Charles Bateman, Arthur L. Walker, J. W. Sykes, J. G. Campen, Samuel W. Sykes, Phillip L. Spruill, G. V. Cahoon and R. I. Hassell and others, their present and future associates, successors and assigns, are hereby created and declared to be a body politic and corporate by the name and style of the "Merchants and Farmers Bank" of Columbia, North Carolina, for the period of sixty years, with full power to sue and be sued in any court of the State, to acquire, own and convey real and personal property, and to adopt and use a common seal, which may be altered when deemed expedient. Incorporators. Body politic. Corporate name. Period. Powers.

Sec. 2. The capital stock of said bank shall be ten thousand dollars, and may be issued in shares of one hundred dollars each, which may be increased from time to time by the vote of a majority of said stock to fifty thousand dollars. Capital stock. Shares. Increase of stock.

Sec. 3. The principal office and banking house of the corporation shall be located in Columbia, North Carolina, but branches thereof may be established in other places by a vote of two-thirds of the stock when deemed expedient and beneficial. Principal office. Branch offices.

Sec. 4. The affairs of the bank shall be managed by a board of directors consisting of not less than five nor more than seven, as the stockholders may decide, and the president and vice-president shall be *ex officio* members of the said board of directors, which said board of directors shall be elected by the stockholders at their regular annual meeting. Officers. Election of directors.

Sec. 5. The board of directors shall meet as soon after their election as practicable and elect from among themselves a president and vice-president of the bank, who shall hold their office for one year and until their successors are duly elected. The said board shall also elect, not from among themselves, a cashier and such other officers and employees as the board may deem best, to hold office during the pleasure of the board. The cashier shall be required by the directors to give bond, to be fixed by them, and they may require bond of any officer or employee selected as aforesaid. The stockholders shall meet annually, and at such other times as the directors may designate, and shall elect the board of directors as above stated, shall fix the salaries of the president, vice-president and board of directors, and shall have power to increase the capital stock as they may deem best, not to exceed the limit herein specified. In Election of officers. Bonds required. Stockholders' meetings. Salaries. Increase of capital stock.

case of a failure by the stockholders to elect any member of the board of directors, or in the event of the death or resignation of any member of the said board, the directors, by a majority vote of the same, may appoint to fill said vacancy until the next regular annual meeting of the stockholders.

Vacancies.

Powers.

General banking business.

Sec. 6. The said corporation shall have all powers, rights, privileges and immunities granted to any banking institution under the laws of North Carolina, especially by chapter 769 of the Public Laws of 1901; shall also have power to receive and pay out money, to deal in mercantile paper, to receive deposits of money and other valuables; may discount, buy and sell notes, drafts and all other securities and evidences of debt; may loan money upon mortgages of real or personal estate or other security and charge for money loaned by it such rate of interest as may be agreed upon, not exceeding the rate allowed by law, which interest it may take and receive at the time of making such loan; may loan money upon jewels or other property and receive same in pledge, and shall have right to sell same after thirty days' notice of time and place to pay all such pledges that are due; may act as guardian or receiver of any minor child, or other persons who are required by law to have guardian or receiver, and shall be subject to all the laws of North Carolina regulating same; may erect and lease safety lock and deposit boxes and collect rental for same; may buy, own, sell, lease, convey, mortgage and dispose of real and personal property as fully and in same manner as an individual; may sign bonds of public officers or private individuals and charge a premium for doing same; and may act as agent for any State, county, township, town, municipality or individual in disposing of bonds, purchasing securities, negotiating loans, underwriting their evidences of debts, and may receive the usual commission for same or may charge such amount for same as may be mutually agreed between it and the parties at interest.

Interest in advance.

Loans on pledge of property.

May act as guardian, etc.

Other powers.

May do bonding and guaranty business.

Commission business.

Married women and minors.

Sec. 7. That when married women, minors or apprentices shall deposit money or other thing of value in said bank or any of its branches, generally or specially, to their own credit, the same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by such check, draft or order, and the same shall be an absolute release and discharge of said bank from liability of the same.

Holding and transfer of property.

Sec. 8. That any real estate held by the said corporation at any time may be duly conveyed by a deed signed by the president and cashier, with its seal affixed to the same. The said corporation may buy any real or personal property sold by it or any one for it under mortgage, deeds of trust or other assurances for debt due it, when necessary for its protection in its judgment.

Savings bank business.

Sec. 9. This corporation is authorized to organize, in connection

with its general banking business, a department for savings and do a savings bank business for the convenienee of small depositors, and to make regulations in regard thereto, and in that event said bank may receive deposits in the savings department and give eertifieates therefor and pay such interest as the direetors may authorize, not exeeeding the legal rate.

Sale of stock of delinquents.

Sec. 10. In the event any subscriber to the stoek, or any part of it hereafter or heretofore subseribed, the amount so due on said stock may be recovered by the directors by eivil aetion; or the directors may sell sueh stoek at public biddings at the banking house of the corporation, after giving thirty days' publie notiee of such sale and like notiee to the holders of sueh defaulting stock, and the amount realized at such sale shall be applied to the payment of the cost of such sale, the amount remaining due and unpaid for such stock and interest on same, and any balanee to the owner of said stock. If the amount realized be not sufficient to pay the balance due, then sueh balanee may be reeovered by civil action of the subseribers for the same.

Procedure.

Voting power.

Sec. 11. That every stoekholder shall be entitled in all meetings of the stockholders to cast one vote for each share of stock of the par value of one hundred dollars owned by him or her.

Transfer of stock.

Sec. 12. That the stoek held by any one shall be transferred only on the books of said eorporation, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the eorporation as principal or surety, unless such is paid off and discharged, exeept a majority of the direetors consent to the said transfer; and for all sueh indebtedness the said eorporation shall have a lien superior to all other liens upon the stoek of said stockholder. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contraets, debts and engagements of sueh corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in sueh shares.

Individual liability.

Meetings.

Sec. 13. If for any eause any annual or other meeting of the directors shall not be held as provided herein (or the stockholders' meeting either), or, being held, any duty required to be done at sueh meeting be not then done, such omitted meeting may be subsequently held and such duties subsequently performed.

Tax on capital stock.

Sec. 14. The tax upon the eapital stock and shares of this bank shall be paid by the said bank as other property in this State to the full amount paid in thereon, less the value of its taxable property and all untaxable bonds, which shall be dedueted from the amount paid in on the capital stock.

Forfeiture unless organized in two years.

Sec. 15. The powers and privileges granted herein shall be deemed forfeited unless the said corporation is organized within two years from the ratification of this act.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 211.

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM, AS CONTAINED IN CHAPTER 235 OF THE PRIVATE LAWS OF 1899, AS AMENDED BY CHAPTERS 178 AND 357 OF THE PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Former act amended. Right to take and hold property.

Election day changed.

When returns canvassed.

Vacancies in Board of Aldermen.

Elections.

Street improvements.

Sale of city property and rights. Proviso.

Settlement of taxes.

Tax list.

Right to streets.

Condemnation of land.

Section 1. That chapter 235 of the Private Laws of 1899 be and the same is hereby amended as follows: In section one, line eight, strike out the word "or" and insert in lieu of it a comma, and insert between the words "to" and "it" the following words: "or otherwise acquired by." Insert between the words "the" and "first" in line two of section eleven the words "first Tuesday after the." Strike out in line three of section fifteen the words "ten o'clock A. M.," and insert in lieu thereof the words "twelve o'clock M." Add to section twenty-one the following words: "and reside in the ward from which the Alderman whose place is to be filled was elected." In line two of section twenty-four strike out the words "first Monday" and insert the word "day." In line two of section twenty-five strike out the words "first Monday" and insert in lieu thereof the word "day." In section thirty-four, lines twenty-two and twenty-four, strike out the word "twenty" and insert in lieu thereof the word "ten." In section thirty-four, line eighty-six, insert between the words "city" and "and" the following words: "and all of its right, title and interest in and to all land used for street or other public purposes": *Provided*, that this shall not confer any right upon the city to dispose of any land owned by or in possession of any railroad as its right of way." In section forty-seven, line two, strike out the word "six" and insert in lieu thereof the word "eight." In section fifty-three, line eight, strike out the word "September" and insert in lieu thereof the word "October." In section sixty, lines seven, eight and nine, strike out the words "as long as the same shall be used for the purpose of the said city, and no longer." In section sixty-one strike out the word "five" in line six and insert in lieu thereof the word "three," and strike out the word "three" in the same line and insert in lieu thereof the word "one," and strike out the word "two" in line seven and insert the word "one." After the word "owner" in line seven of said section

add the following words: "And the two freeholders thus chosen shall select a third." In section sixty-two, line six, insert between the words "Commissioners" and "and" the following words: "and the Board of Aldermen shall not grant such permission to sell such liquors in any building within one hundred and fifty (150) feet in a direct line from any point on the municipal or market house building, located on Chapel Hill and Corcoran streets in said city." Sale of liquor.

Sec. 2. That section twenty-nine of said chapter 235 of the Private Laws of 1899 be and the same is hereby amended by inserting between the words "office" and "in," in line one thereof, the words "at such place," and by inserting after the word "city," in line two of said section, the words "as the Board of Aldermen may designate"; and by adding at the end of said section the following: "he shall exercise a constant supervision over the conduct of all the subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense. On the removal or suspension of such officer or officers, the Mayor shall report the same, with his reasons therefor, to the Board of Aldermen at their next regular meeting, who shall then have power to review his decision, if requested in writing to do so by the officer or officers affected thereby." Mayor's office. Duties of mayor. May remove from office subordinate officers.

Sec. 3. That the Board of Aldermen of said city of Durham, by the vote of three-fourths of its members in meeting assembled, shall have power to remove from office the Mayor or any Alderman of said city for malfeasance, misfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the ground of his proposed removal, and shall have the right to be heard in person or by counsel in his defense; and in case of the removal of the Mayor or any Alderman under the provisions of this section the vacancy shall be filled by the Board of Aldermen or the remaining members thereof. Removal of mayor from office. Appointment of successor.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 212.

AN ACT TO INCORPORATE THE BANK OF CARTERET.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That T. A. Uzzell, W. S. Chadwick, N. W. Taylor, B. L. Jones, R. W. Taylor, Charles S. Wallace, J. B. Morton, T. D. Webb, L. L. Leary and their present and future associates, successors and assigns, be and they are hereby constituted, created and declared to be a body politic and corporate under the name and style of "The Bank of Carteret," and shall so continue for a period of thirty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate name; to take, hold, buy, sell, lease and exchange and convey real and personal estate and to conduct, transact and carry on in its full scope and import a general banking business, with all the powers, rights, privileges and immunities hereby specially granted, and in addition those contained in chapter four, Volume II of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

Body politic.

Corporate name.

Powers.

Capital stock.

Sec. 2. That the capital stock of said bank shall be ten thousand dollars, in shares of twenty-five dollars each, with liberty to the stockholders or a majority of them to increase said capital stock from time to time to fifty thousand dollars.

Increase of same.

Place of business.

Sec. 3. That the office and place of business of said banking company shall be in the town of Morehead City, State of North Carolina, and the officers shall consist of a president, vice-president, cashier and a board of not less than five nor more than nine directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid and to require the president, the cashier each to give bond, with approved security, for the faithful performance of their respective duties.

Officers.

Officers to give bond.

Duties of directors.

Sec. 4. That it shall be the duty of the board of directors, and they are hereby empowered, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also, to fix the salaries of its officers and to fill the vacancies in the board of directors. Said board of directors shall be chosen by a majority of the corporators herein named at the first meeting to be called by them, which said board of directors shall hold office for one year, and until their successors are duly elected, a majority of said board to constitute a quorum for the transaction of business.

By-laws.

Salaries.

Vacancies.

Quorum.

May do general banking business.

Sec. 5. That the said company shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others,

to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, or any lands, hereditaments or personal property or interest therein of any description situated anywhere, to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crop or produce whatsoever, or any stock, bullion, merchandise or other personal property, and the same to invest or in anywise dispose of, and to charge any rate of interest on all loans not exceeding the rate allowed by law.

May become stockholder in other corporations.

Powers.

Sec. 6. That said company may subscribe to, purchase, acquire or lend money upon any stock, share, notes, debenture or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place, in behalf of any corporation, company, partnership or person shares, stocks, debentures, notes, mortgages or other securities without guaranty or collateral obligation by this company, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon.

Married women and minors.

Sec. 7. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree upon, and when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially, to their own credit, they or any of them may draw the same out on their check or order and be bound thereby, and such minor, married woman or apprentice shall be bound by said individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against said minors, married women or apprentices and all persons whatever.

Agency and commission business.

Sec. 8. That said company shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed on in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, town, municipality, corporation, company or person bonds, certificates of stock of any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premiums, commissions or rates of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

May act as trustee, executor, guardian, etc.

Sec. 9. That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise, bequest, and to hold any real or personal estate or trust created in accordance with the laws of this State, and then to execute the same in such terms as may be established and agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts of this State, and to pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposits until paid, and generally to do and carry on the business of a safety deposit and trust company.

Depository for funds in litigation.

Safety deposit and trust business.

Guaranty and bonding business.

Sec. 10. That said company is hereby given the right to issue or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness of any person, partnership or corporation for any price and on consideration agreed on.

Savings bank business.

Sec. 11. That this company is specially invested with the powers and privileges usually incident to savings banks, may receive deposits in very small sums, the limit to be fixed by the board of directors, and may pay interest thereon by way of dividends out of the net earnings or by fixed rates according as may be agreed between the company and its depositors, and the board of directors are hereby fully authorized to make all needful by-laws and regulations for the conducting and carrying into effect the savings bank features of this corporation.

May purchase at its own foreclosure sale.

Sec. 12. That when this bank shall sell the property of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, it may bid for, buy and hold any and all such property.

Stockholders' meetings.

Sec. 13. That the board of directors shall by the by-laws fix the time for the annual meeting of the stockholders of this corporation and how the said meeting shall be called, and also provide for special meetings, and at all general or special meetings the stockholders may be represented in person or by proxy, and each share of stock shall be entitled to one vote.

Voting power.

Individual liability.

Sec. 14. That the stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholders. Transfer of stock.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 213.

AN ACT TO EXTEND THE INCORPORATION OF THE TOWN OF PLYMOUTH.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Plymouth, in Washington County, are hereby declared to be a body politic and corporate under the name and style of The Town of Plymouth, and under such name and style shall have the right to sue and be sued, and as such town are hereby vested with all and singular the privileges and immunities, rights and franchises, property and all other rights heretofore belonging to or in any way appertaining to said town in holding and owning real or personal property and acquiring the same for the use of the said town as its Board of Commissioners shall deem necessary and expedient and as is now vested in said town under its present charter and under chapter sixty-two of The Code. Body politic. Corporate name. Powers. Former act.

Sec. 2. That the corporate limits shall be as follows, to-wit: Beginning on the Roanoke River east of the depot of the Atlantic Coast Line Railroad Company, opposite a culvert over and across said railroad in a small drain or slough that flows into said river, running thence south seven degrees east sixty-two poles to the county public road, thence south fifteen degrees east seventy-four poles to the northern boundary of the right of way of the Atlantic Coast Line Railroad Company, thence with said northern boundary of the said right of way three hundred and ten poles opposite to a sweet-gum, thence north eight degrees west two hundred and nineteen poles to a cypress on said river, thence with the said river to the beginning. Corporate limits.

Four wards.
First ward.
Second ward.
Third ward.
Fourth ward.

Sec. 3. That said town is hereby divided into four wards as follows, to-wit: That portion of the said town comprehended within the following limits, viz.: Beginning at the said river in the centre of Washington street, running thence up said street to the centre of Third street, thence eastwardly with the centre of said street to the eastern limits of the said town as defined in section two, thence with the said eastern line to the river, thence with the river to the beginning, shall be first ward; that part within the following limits, viz., beginning at the centre of Washington street on the river, running thence up said street to the centre of Third street, thence with the centre of said Third street westwardly to the western limits of said town as defined in section two, thence with the said western line to the river, thence with the river to the beginning, shall be second ward; that part within the following limits, viz., beginning in the centre of Third and Washington streets where the said streets cross, running thence up Washington street southwardly to the southern limits of the said town, thence westwardly with the said southern boundary of said town to the eastern limits of the said town, thence with said eastern limit to the southern line of second ward, thence with the southern line of second ward to the beginning, shall be third ward; that part within the following limits, viz., beginning at the centre of Washington and Third streets where the said streets cross, thence up Washington street to the southern boundary of said town as defined in section two, thence eastwardly with said southern line to the eastern line, thence with said eastern line to the southern line of first ward, thence with the said first ward to the beginning, shall be fourth ward.

Board of Councilmen.
Election.
Term of office.
Vacancies, how filled.

Sec. 4. That the corporate powers of the said town shall be exercised by the Board of Councilmen consisting of eight, two from each ward, each of whom shall be elected by the popular vote of his respective ward on the first Monday in May, 1903, and biennially on the same date thereafter, who shall hold their offices for two years and until their successor is elected and qualified. In case of vacancy in said board, the same shall be filled by the remaining members of said board from the ward from which such vacancy occurs.

Election of mayor.
Term of office.
Powers and jurisdiction.
Salary.
Duties.

Sec. 5. That on the first Monday in May, 1903, at the time of the election of the Councilmen as heretofore prescribed, and biennially on the same date thereafter, there shall be elected by the popular vote of the said town one Mayor in addition to the eight Councilmen, who shall hold his said office for two years and until his successor is elected and qualified, who shall have the powers and jurisdictions to try and dispose of all offenses in violation of the ordinances of the said town and such jurisdiction as is given Mayors as justices of the peace by chapter sixty-two of The Code. That the said Mayor shall receive a salary of one hundred and fifty dollars

per annum and no other compensation, and the fees accruing to said Mayor in the trial of cases as Mayor shall be paid into the treasury of said town. That the said Mayor shall preside at all meetings of the Board of Councilmen (except when absent from the town, in which case the Mayor *pro tem.* shall preside in his stead), but shall not be entitled to vote therein except in case of a tie vote of the Councilmen present. That the Mayor, with the consent of the Councilmen, shall have the power to appoint one of the board to act as Mayor in his absence or inability to serve, which Mayor *pro tem.* shall have and enjoy all and singular the rights and powers heretofore given to the said Mayor.

Voting power.

Mayor pro tempore.

Sec. 6. That the Board of Councilmen shall appoint from time to time as may be necessary a Constable and one or more policemen. That the Constable shall hold his office for two years, subject to the right of the board to remove him and appoint another for misconduct in office or wilful failure to perform his duties, and shall collect all the taxes levied by the board and account for the same under the regulations prescribed by the board, and shall give such bond as the board shall prescribe, not exceeding the total amount of the taxes to be collected, conditioned for the faithful discharge of his duties and the paying over and accounting of any and all moneys coming into his hands as such Constable and payable to said town or him to whom said duties may be owing in law. That said Constable shall have the power to appoint necessary police assistance, for a time not exceeding one day, and shall have the right and power to command the body of the said town and any persons therein to aid him in the making arrests and enforcing the peace and good order of the town, and shall have the right and power to serve any civil process in said town directed to the Constable of said town.

Constable and policemen.

Collection of taxes.

Bond.

Powers and duties.

Sec. 7. That the tax lists in the hands of the said Constable shall have the force and effect of an execution against the property against which such tax may be levied, and to the end of collecting the same he shall have in addition thereto all the rights and remedies now given or that may hereafter be given to the Sheriffs in the collection of their taxes.

Collection of taxes.

Sec. 8. That the Board of Councilmen shall levy the taxes for the said town on all the subjects of taxation as allowed by law and upon all corporate or other franchises exercised in said town by the same method that may be prescribed by law for assessing the same for taxation by the general law of the State, but the rate of taxation shall not exceed sixty cents on the one hundred dollars of real or personal property and one dollar and eighty cents on the poll. The valuation of property for the purpose of taxation shall be the same as that for the State and county, and no separate assessment thereof shall be necessary.

Levy of taxes.

Rate of taxation.

Assessment of property.

Town treasurer.

Sec. 9. That the said Board of Councilmen at the time of electing a Constable shall also elect a Treasurer for the said board, who

To give bond.

shall give bond as prescribed by the board to faithfully perform the duties of his office and faithfully pay over all moneys that may come to his hands as such Treasurer, on the warrants of the Mayor, the power and authority to make which shall be fixed and prescribed by the board. That the compensation of all officers and place holders shall be fixed by the board, except that of Mayor, as

Police regulations.

heretofore prescribed. No cattle, sheep, goats, hogs or horses shall run at large in said town, and it shall be the duty of the Constable and policemen to enforce this under regulations and laws fixed by the board.

Code applicable.

Sec. 10. That chapter sixty-two of The Code shall in all respects, except as inconsistent herewith, apply to the town of Plymouth.

Qualifications of electors.

Sec. 11. That the qualifications of voters in said town shall be the same as is prescribed by the Constitution and laws of this State.

Registrars and judges of election.

That registrars and judges of election shall be appointed at the March or April meeting of said board under the same regulations and

Compensation.

laws as is fixed by the laws of the State, the compensation of which shall be prescribed by the Board of Councilmen, and said registrars and judges of election shall have all the powers given registrars

Returns.

and judges of election by the laws of the State. They shall hold the polls at some convenient place in the several wards for which the election is held, and shall canvass and declare the result at the close of the polls, and if any two persons shall receive the same number of votes for Councilmen they shall declare the said office

In case of tie.

to be vacant, and the board at its next regular meeting shall elect a Councilman to fill the said vacancy, and if at any election in said town two persons shall receive the same number of votes for Mayor the Board of Councilmen shall order another election as early as practicable, giving due notice thereof in all the wards of the town, and the same shall continue until such Mayor shall be duly elected, and in case of his resignation or death, his successor shall be elected by the board.

Government until first Monday in May, 1903.

Sec. 12. That the corporate powers shall be exercised by the present board of officers until the first Monday in May, 1903.

Conflicting laws repealed.

Sec. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

Chapter 214.

AN ACT TO INCORPORATE THE TOWN OF WILLIAMS, IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Williams, in the county of Yadkin, be and the same is hereby incorporated by the name and style of the town of "Williams," and it shall have the benefit of and be subject to all the provisions of law now in existence in reference to incorporated towns, and not inconsistent with this act. Incorporation. Corporate name. Powers.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at a stone on the public road leading from the Shallow Ford, on Yadkin River, to the town of Clemmonsville, thence north to a stake in front of Jake Black's house and in the line between him and the old Williams land, thence west to a stake on D. P. Mast's line, thence south to the said Shallow Ford road, thence east with said road to the place of beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a Mayor, three Aldermen and a Marshal, to be elected in accordance with the general laws regulating elections in cities and towns. Town officers. Laws governing.

Sec. 4. That until their successors shall have been elected and qualified on Tuesday after the first Monday in May, 1905, the following persons shall be the officers of said town, to-wit: Mayor, N. Glen Williams; Aldermen, Steadman Kiger, B. J. Arendell and Elisha Slater; Marshal, G. P. Taylor. Present officers.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

Chapter 215.

AN ACT TO INCORPORATE THE APPALACHIAN IMPROVEMENT COMPANY.

Whereas, the incorporators hereinafter named desire to form a corporation possessing more extensive powers than can be granted to corporations formed under the general laws of the State of North Carolina, as will hereinafter more fully appear: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That C. M. Putnam, W. A. Cathay, C. H. Hobbs, Thomas H. Mason and M. B. Wilkinson, their associates and sue- Incorporators.

Body politic. Corporate name. Powers.

cessors, are hereby constituted a body politic and corporate, under the name of Appalachian Improvement Company, and in that name shall be capable of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, of adopting and using a corporate seal, and of altering and changing the same at pleasure, of making and adopting such by-laws and regulations as may be deemed expedient or necessary for its purposes, not inconsistent with the laws of this State, and of altering, amending and repealing the same, and in that name shall have perpetual succession.

Perpetual succession.

Preliminary management.

Sec. 2. That until said corporation shall have fully organized the incorporators hereinbefore named shall have full and complete charge, control and management of its affairs and operations.

Principal office.

Sec. 3. That the principal place of business of said corporation shall be at Asheville, in the county of Buncombe and State of North Carolina, but branch offices may be established at any other places the corporation may desire, either in or out of the State, and it may do business in any other State. Said corporation may also hold the meetings of its stockholders or directors either within or outside the State of North Carolina.

Branch offices.

Stockholders' meetings.

Capital stock.

Sec. 4. That the capital stock of said company shall be two hundred and fifty thousand ($250,000) dollars, divided into twenty-five hundred (2,500) shares of the par value of one hundred ($100) dollars each, and said corporation shall have power to increase its capital stock to any amount not exceeding one million dollars, upon filing a certificate of such increase with the Secretary of State, as is required under the general laws of the State of North Carolina for corporations formed thereunder, and upon paying the proper fees for such increase: *Provided, however*, that any increase of the capital stock of said corporation so made by said company shall not operate to in any way affect, abridge, alter or annul any of the powers and privileges in this act contained.

Shares.

Increase of stock.

Proviso.

Powers.

Sec. 5. That said corporation shall have power and authority to acquire, by purchase or otherwise, lands and tenements to any extent, and hold the same in fee-simple, or by less estate, and dispose of the same at pleasure; and to engage generally in any and all kinds of business or operations not unlawful, considered desirable or advantageous to be engaged in or carried on in connection with the improvements and development of any such lands.

Real estate.

Personal property.

Sec. 6. That said corporation shall also have power to acquire, by purchase or otherwise, any and all personal property it may desire, including the right to acquire, own, hold, sell and dispose of the stocks, bonds and other securities of other corporations, and also the power to purchase, lease or otherwise acquire and to hold, sell and dispose of the property or properties of other corporations, and to

May be stockholder in other corporations.

operate the same, with all the rights and privileges of the corporations whose property or properties have been so acquired.

Land, timber, lumber business, etc.

Sec. 7. That said corporation is specially authorized and empowered to carry on the business of buying, selling and dealing in timber and other lands, wherever the same may be situate, and of buying, selling and dealing in timber and lumber and all other products of the forest and in all articles manufactured or produced from such products, of cutting and manufacturing timber into lumber of all sizes, forms and shapes, and timber and lumber into any and all articles of commerce that said corporation may desire to manufacture, produce and deal in, including the peeling and preparation of bark, of cutting and making railroad ties, telephone and telegraph poles and pulp wood, and the distilling and making of acids and extracts from bark, logs and wood, and generally shall have the power to do and perform all acts and things necessary, convenient or desirable to be done in connection with the timber and lumber business in all its branches, or in connection with any of the purposes for which said corporation is formed. Said corporation is also specially authorized and empowered to engage in the business of mining any and all minerals that may be found on any such lands so acquired, owned or controlled by it, and to sink mines, shafts and pits and erect and maintain all works and machinery necessary or desirable for the purpose of carrying on any such mining operations and of preparing and manufacturing any minerals so mined ready for market and of selling the same.

Mining and minerals.

Mills, factories, etc.

Sec. 8. That said corporation shall have the power and authority to erect, maintain, operate, carry on and conduct any and all mills, work-shops, factories, stores, commissaries or other buildings or works deemed necessary, convenient or desirable by it, and of buying, selling and dealing in merchandise of all kinds, both with its own employees and the general public.

Damming of streams, etc.

Sec. 9. That said corporation shall have power and authority to construct and maintain dams across any stream or streams, not declared by law to be navigable, at any point or points, place or places, on lands now owned or hereafter acquired by it by purchase or by condemnation in the manner hereinafter described, for the purpose of ponding and storing water to be used either as a water supply or as a motive power for any machinery, power, plant, mill or factory the said company may desire to operate, and of producing power by means of any such dam or dams for sale, and of selling the same, and to that end and for any other purpose it may install, use and operate any and all machinery considered desirable or necessary. This section shall be considered and construed to authorize the manufacture of electricity with the water power produced by means of such dams and the selling of such electricity, and the right to transmit the same to the consumers by wires, poles,

Water powers.

Electric power.

cables and conduits or any other approved method of transmission: *Provided*, that said company shall not have the right to construct any such dam across any stream or streams unless it shall own the land on at least one side of said stream at the place where said dam is to be erected, and title to the other bank and all lands overflowed by the back water from any such dam or otherwise affected by the erection of the same may be acquired by condemnation in the manner hereinafter prescribed, in case the company and the owner or owners thereof, or others entitled to the beneficial interest therein, cannot agree upon a price for the same.

Proviso.

Condemnation of land.

Booming of logs and timber.

Sec. 10. That said corporation shall have the power and authority to erect splash dams on any stream or streams draining any lands belonging to or controlled by it for the purpose of floating or aiding in floating logs and timber, and may build and erect dams and booms for the collection and storage of logs and timber in any such streams, and after they have spent the sum of two thousand dollars in building such dams and booms and removing obstructions in any such streams, said company shall have the right to take tolls or boomage, not exceeding, however, $2 per thousand feet, on all logs and timber of other persons floated down any such streams, and such tools and boomage shall be a lien on such logs and timber until paid: *Provided, however*, that the company shall not be obliged to float the logs or timber of any other person, firm or corporation, or store the same in its booms, in amounts less than one hundred thousand feet. Said corporation shall have power and authority to condemn to its use any and all lands necessary for the purpose of constructing any such dams and booms in the manner hereinafter prescribed.

May charge tolls and boomage.

Proviso.

May condemn land.

Telephone and telegraph lines. May erect and operate lines across lands of others or along public roads.

Sec. 11. That said corporation shall have the power and authority to build, erect, establish, maintain, acquire, own and operate telephone and telegraph lines and stations and lines for the transmission of electricity, with all necessary apparatus and instruments upon, over and under any lands owned or controlled by it, or connecting one piece of its lands with another piece, or connecting its property or lands with the line or lines of any other telegraph or telephone companies, or connecting its power plant or plants with the consumers; and for the purpose of so erecting and maintaining and operating any such telephone and telegraph line and lines for the transmission of electricity, said company shall have the right and privilege of placing its poles, wires, cables and conduits, and of maintaining them along, under and over any of the public roads of the State. Said company shall also have the right and franchise to charge such tolls and compensation as is reasonable for the use and service of such telephone and telegraph lines and for transmitting and receiving messages over the same, not in excess of the charges allowed by the laws of this State.

Tolls and compensation.

Railroads and tram-roads.

Sec. 12. That said corporation shall have power and authority to build, erect, establish, equip, maintain and operate any and all railroads and tramroads necessary or desirable for any of the purposes of the company, upon any lands owned or controlled by it, or for the purpose of connecting any lands so owned or controlled by it with any other railroads or tramroads, or for the purpose of connecting one piece of said company's lands with any other piece; on any of which railroads or tramroads so built by it may be operated engines, cars and other rolling stock propelled by steam, electricity or other power; and shall have the right and franchise to haul and carry passengers and freight over such railroads or tramroads for hire, and to charge such reasonable fares, freights and compensation for so hauling and carrying passengers and freights as shall be allowed by the laws of this State.

Carrying of passengers and freight.

Compensation.

Condemnation of lands.

Sec. 13. That said company, its officers, agents, servants and employees shall have the right, privilege and power of entering upon and occupying any and all lands deemed necessary for its purposes in building and maintaining and operating any and all such dams, booms, telephone and telegraph lines and lines for the transmission of power, and railroads and tramroads provided for in the preceding four (4) sections; and as often as an agreement cannot be had between the company and the owner or owners of any such lands, or those entitled to the beneficial interest therein, as to the terms upon which such lands may be purchased or used by said company, the said company shall have the right to have such lands, or so much thereof as may be necessary, condemned to its use, and acquire title thereto in the manner and by the special proceeding hereinafter provided.

Procedure.

Condemnation of land covered by back water.

Sec. 14. That whenever and as often as the building and maintaining of any such dams by said company as are provided for in sections nine (9) and ten (10) hereof shall cause the back water to flood and pond upon lands other than its own, or whenever in the course of the construction of any such dam it becomes evident and certain that the back water from any such dam when built will pond upon the lands of others, and an agreement cannot be had between the said company and the owners of such lands or those entitled to the beneficial interest therein, as to the terms upon which said lands may be purchased or used by said company, said company shall have the right to have such lands condemned, and may acquire title thereto in the manner and by the special proceeding hereinafter provided: *Provided, however,* that in all cases where lands shall have been condemned during the process of construction of any such dam, the said company shall not acquire any title to any of such lands until such dam shall have been actually built, and such lands shall have been actually flooded by the back water.

Proviso.

Condemnation proceedings.

Sec. 15. That whenever and as often as the said company shall have the right to have the lands of others condemned for its own use as hereinbefore provided in the preceding two sections, it may proceed in the following manner: Said company may present to the Clerk of the Superior Court of the county in which is situate the real estate, the title to which or the right to use which it is desired to acquire, its petition praying for the appointment of commissioners of appraisal; if such real estate be situate in two or more counties, said petition may be filed in either. Such petition shall be signed and verified according to the rules and practice of the Superior Court for verifying pleadings, and must contain as accurate as possible a description of the real estate, the title or the right to use which the said company desires to acquire, and the purpose for which such real estate is to be used; said petition must also in effect state that the said company is duly incorporated and that the real estate is in good faith desired for the purposes of said company as set forth in the petition, and that it has been unable to agree with the owner or owners for the purchase of or the right to use the same. Said petition must also state the names and residences, so far as they can by reasonable diligence be ascertained, of the parties who own or claim to own such real estate, and if such parties are infants, their ages as near as the same may be ascertained, and if any of said parties are idiots or lunatics or unknown, such facts must also be stated, together with such other allegations in regard to encumbrances and other matters as are necessary to inform the court fully as to who may be interested in such real estate and the petitioners may desire to make. A copy of said petition shall be served with the summons issued by the Clerk of said Court on all persons named therein as interested in such real estate or affected by such proceeding, at least ten (10) days prior to the hearing of the same by said court, and the Clerk of said court shall issue a summons containing a statement of the time and place when and where such petition will be heard, directed to all persons named in the petition, commanding them to appear and plead the same. That all such proceedings shall be conducted according to subdivisions one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) of section nineteen hundred forty-four (1944) of The Code of North Carolina, and sections nineteen hundred forty-five (1945), nineteen hundred forty-six (1946), nineteen hundred forty-seven (1947), nineteen hundred forty-eight (1948), nineteen hundred forty-nine (1949), nineteen hundred fifty (1950), nineteen hundred fifty-one (1951), nineteen hundred fifty-two (1952) of said Code, and to laws amendatory thereof, as nearly as is possible to conduct said proceedings; and said subdivisions and said sections of said Code and amendments thereto shall apply to said company and its proceedings in such cases as fully as if incorporated

Petition, contents of.

Copy of petition served with summons.

Code applicable.

herein at length, as far as the same are applicable: *Provided, always,* that the said Appalachian Improvement Company shall pay all damages that may be awarded by reason of the condemnation of the lands as aforesaid. Proviso.

Written consent of owners to enter lands.

Sec. 16. That the written consent of the owner or owners of any lands, or of those entitled to the beneficial interest therein, into and upon which the said company may desire to enter and take possession of for the purpose of building and maintaining any such dam or dams, telephone or telegraph line or lines, or lines for the transmission of power, railroad or railroads, or tramroad or tramroads, shall be valid and effectual to give the said company the same power and authority over such lands as if the same had been conveyed to it by deed of bargain and sale or condemned in the manner hereinbefore prescribed. Effect of.

Right to issue bonds, mortgage its property, etc.

Sec. 17. That said corporation is further authorized to issue its bonds or other obligations, and secure the same or any of them by mortgage or mortgages on its property and franchises, in whole or in part, as its stockholders shall deem necessary, and any such mortgage may be in the form of a trust deed executed and delivered to an individual or individuals, or to an incorporated trust company, as trustee or trustees for the holders of the secured obligations. Such mortgage or trust deed may be made to include and cover, as may be provided therein, property not at the time owned by the corporation, so that as soon as the same comes into the ownership and possession of the corporation the lien of the mortgage or trust deed shall attach to such acquired property, without the necessity of any further conveyance to the mortgagee or trustee. Mortgage may include future acquisitions.

Individual liability of stockholders restricted.

Sec. 18. Stockholders shall not be individually liable for the debts of the corporation, nor shall any stockholder be liable to any creditor thereof for more than the unpaid portion of his stock subscription.

Created common carrier.

Sec. 19. That in the event the right of condemnation shall be resorted to under any sections or provisions of this act, the said company shall be and it is hereby created a common carrier for hire, with reference to such business as such condemnation shall be exercised in behalf of, and said corporation as to such business shall be liable and subject to all laws and provisions of law and restrictions applicable to common carriers under the law of this State. And upon failure of such corporation to pursue such business for which said condemnation shall be invoked, such lands so condemned shall revert and become revested in the owner or owners thereof; and any such streams upon which such splash dams shall be erected as shall be condemned for the purposes aforesaid are and the same are hereby constituted public highways for the purposes of floating and driving logs and timber thereon so long as said dams are maintained. Reversion of condemned lands.

Streams created public highways, when.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

CHAPTER 216.

AN ACT FOR THE RELIEF OF W. B. TATUM.

The General Assembly of North Carolina do enact:

Payment out of oyster fund authorized.

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to pay to W. B. Tatum, out of any funds in the Treasury known as the "Oyster Fund," upon the warrant of the Auditor, the sum of two hundred and seventy-five dollars ($275), the same being the balance due the said W. B. Tatum as per contract for services as Deputy Oyster Inspector at Coinjock, N. C., for the years of 1892 and 1893.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

CHAPTER 217.

AN ACT TO AMEND THE CHARTER TO THE MOUNTAIN VIEW ROAD COMPANY, CHAPTER 228, PRIVATE LAWS OF 1893.

The General Assembly of North Carolina do enact:

Former act amended. Route of turnpike and branches.

SECTION 1. That section 2, chapter 228 of the Private Laws of 1893, be stricken out and the following substituted: That the said Mountain View Road Company be and is hereby authorized to maintain and operate a turnpike road along its present route, from Joy Post-office, in Burke County, to the Mitchell County line, where it is crossed by said road, between Jonas Ridge and Altamont, together with a branch road from Jonas Ridge to Pitman Gap, in Grandmother Ridge; and that said company be further authorized to construct and maintain a branch road from a point on its present road to the public road running from Morganton to Piedmont Springs, connecting with said public road at or near the Beck or Webb place, or at Piedmont Springs; and that the said company be hereby authorized further to construct and maintain a branch road from

a point on its main road, near or within one mile of Jonas Ridge to a point at or near Linville Falls.

Principal office.

Sec. 2. That section 3 of said chapter be stricken out and the following substituted: That the principal office of said company shall be at Morganton, Joy, Linville or Jonas Ridge, in said State, as may be determined by the directors of said company.

Capital stock. Shares.

Sec. 3. That section 4 of said act be stricken out and the following be substituted: That the capital stock of said company shall not exceed ten thousand dollars, divided into shares of fifty dollars each.

Erection of toll-gates.

Sec. 4. That section 5 of said act be amended as follows: That said company be and is hereby authorized to erect and maintain toll-gates on any portion of its road, and to collect fares at same, said fares not to exceed toll rates named in section 5 of its charter: *Provided*, there shall not be over two gates on said road, and that only one toll shall be collected for one trip from persons going in the same direction over the whole length of said main road; but a separate gate may be maintained on the branch road from Jonas Ridge to Linville Falls, and the same tolls collected at said gate as are authorized in section 5 of the original charter.

Proviso. Tolls.

Gate-keeper given power to arrest, etc.

Sec. 5. To better enforce the collection of tolls at the gates on said road, the gate-keeper appointed by the said company is hereby given the powers of an officer of the law, and may arrest any persons refusing to pay the regular tolls authorized by this act, or any person attempting to avoid the payment of said tolls, or any person who shall obstruct the said road or damage any of its property, and may bring such offender before any magistrate in Burke or Mitchell County, who shall administer penalties or fines on persons guilty of these offenses, as provided in sections 8 and 9 of said original charter.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 218.

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY, LAWS OF 1887, RATIFIED THE SEVENTH DAY OF MARCH, 1887, ENTITLED "AN ACT TO INCORPORATE THE GUILFORD BATTLE GROUND COMPANY."

The General Assembly of North Carolina do enact:

Chapter 162, Private Laws 1887, amended.

Section 1. That the Guilford Battle Ground Company are hereby authorized and empowered to freely give, grant or sell and convey

Authority to convey property to State of North Carolina or United States.

to the State of North Carolina or to the United States of America all such of its property at the Guilford Battle Ground as may be deemed by said company necessary in furtherance of the purposes of its charter to reclaim and preserve forever these grounds as a Revolutionary Park, and the said United States of America are hereby authorized and empowered to accept or purchase and hold the same.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 219.

AN ACT TO AUTHORIZE THE TOWN OF HENDERSON TO ISSUE BONDS FOR SEWERAGE AND STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bonds for sewerage system and street improvements.

Section 1. That for the purpose of providing a system of sewerage and improving the streets of the town of Henderson, in the county of Vance, the Board of Commissioners of said town are hereby authorized and empowered to issue bonds for that town from time to time to an amount not exceeding in aggregate the sum of forty thousand dollars, of such denominations, form and tenor, executed and transferable in such manner, payable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as they may determine, bearing interest at a rate not exceeding five per centum per annum, with semi-annual interest coupons attached, payable at such times and places as may be stated on the face thereof.

Amount, denominations, form, etc.

Term.

Rate of interest.

Not to be sold at less than par.

Sec. 2. That none of the bonds authorized by this act shall be sold for less than their par value, nor shall the same or their proceeds be used for any other purposes than those provided herein.

Special tax.

Sec. 3. That for the purpose of providing for the payment of said bonds at maturity and of the interest thereon, the Board of Commissioners of such town shall annually, at the time of levying other town taxes, levy a special tax on all persons and subjects of taxation on which the said board may be authorized to levy taxes for any other purposes, which shall raise a sum sufficient to pay the interest upon the bonds and provide for the payment of the principal thereof at maturity; the same shall be collected as other town taxes, shall be kept separate from other taxes and applied exclu-

Collected as other taxes.

To be kept separate.

sively to the purposes herein prescribed. All moneys derived from such taxes and all net proceeds arising from the operation of the sewers herein authorized that may not be necessary to pay the interest on such bonds at maturity and cannot be applied to the purchase or discharge of such bonds at par and accrued interest, shall be invested by the Board of Internal Improvements hereinafter created, so as to secure the payment of the principal of said bonds at maturity. Application of proceeds from taxes and operation of sewers.

Sec. 4. That before any of the bonds herein authorized shall be issued, the same shall first be authorized by the qualified voters of the town, at an election to be held within ninety days after the ratification hereof. Notice of such election shall be given by said Board of Commissioners for thirty days next preceding the same, in some newspaper published in the town and at the court-house door and four other public places therein. The Board of Commissioners shall appoint a registrar and two judges of election for each ward of the town, who shall hold and conduct such election under the provisions of law now prescribed for the election of town officers. No new registration shall be required, but the Board of Commissioners shall appoint at least five days for the registration of voters not now registered, which shall be announced in the notice of the election herein provided. Those qualified voters who approve the issue of said bonds and the levy of a special tax to pay the same shall deposit in the ballot box a written or printed ballot with the words "For Bonds" thereon, and those opposed thereto shall deposit a like ballot with the words "Against Bonds" thereon. The registrars and judges of such election of the several wards shall meet at the Mayor's office in said town, at ten o'clock on the morning of the day following such election and ascertain and declare the result thereof from returns, which shall then be made to them by the registrars and judges of the several wards, and they shall make report thereof to the Board of Commissioners of said town, who shall cause the same to be entered upon their records. Bond election. Publication of notice. Board of commissioners to appoint registrars and judges of election. Registration. Ballots. Election returns. Result, how declared and recorded.

Sec. 5. If the election shall result in favor of bonds, then the said Board of Town Commissioners shall, upon demand, cause the same to be executed and delivered to a Board of Internal Improvements, composed of D. Y. Cooper, R. Bunn, J. H. Brodie and J. P. Taylor, and a like number of persons chosen by the Board of Town Commissioners from their number, and the Mayor of the town *ex officio*, who shall be chairman. The members of the board herein appointed shall fill all vacancies in their number, and the Board of Town Commissioners shall fill all vacancies among those elected from that board, whether the same shall occur by death, resignation or by the determination of their office as commissioners. Execution and delivery of bonds. Board of internal improvements, how constituted. Chairman of board. Vacancies, how filled.

Sec. 6. The Board of Internal Improvements may engage engineers and such other persons as may be needful, make contracts, Powers and duties of board.

procure surveys and estimates, establish lines and grades for the streets of the town, adopt plans and specifications, locate and construct or cause to be constructed a system of sewers for said town complete in every detail and with every needful facility for the efficient and ready discharge of all sewerage from said town; to construct, equip and provide all and every structure, plant, furnace, appliance, plan or device which may appear needful or proper for the disposition of such sewerage, and as far as practicable prevent the same becoming injurious or offensive to persons about or beyond the place or places of discharge. The said board may, in the name of the town of Henderson, buy any land which may be necessary to carry out the purposes of this act, within the corporate limits of the town of Henderson or within three and one-half miles thereof, and if such necessary land cannot be so acquired at a satisfactory price, they may report the same to the Board of Commissioners of said town, describing the land desired, and it shall be the duty of said Board of Commissioners to have the same condemned, both in and out of the corporate limits of the town, in the manner now provided in the charter of said town for the condemnation of lands for street purposes, and they are hereby expressly authorized and empowered to make such condemnation—the expenses of either purchase or condemnation to be paid from the funds arising from such lands. Such Board of Internal Improvements shall also sell bonds herein authorized, receive and disburse the proceeds thereof, and perform the duty of sinking fund commissioners in managing, investing and disbursing, through the Town Treasurer, the taxes and other moneys collected or available for the payment of the bonds herein authorized and the interest thereon.

Purchase of land.

Condemnation of land.

Expenses of condemnation, how paid.

Sale of bonds; disbursement of proceeds.

Sinking fund commissioners.

Sec. 7. When such sewerage system, or any section thereof, shall be completed and ready for use, the said Board of Internal Improvements shall turn the same over to the Board of Commissioners of said town, who are hereby authorized and required to maintain and operate the same, and to make all and every ordinance and regulation necessary thereto, to fix reasonable charges for sewerage, connection and service, and to compel all persons whose dwellings or other premises are within such reasonable distance of a sewer, as the Commissioners may determine, to connect their premises with a sewer.

Transfer of sewerage system to board of town commissioners.

Operation of same.

Sec. 8. That the bonds and coupons herein authorized shall not bear interest after maturity, unless payment thereof be refused, and they shall not, before maturity, be subject to taxation by said town.

Bonds and coupons, when interest on same to cease.

Not subject to town tax.

Sec. 9. That the members of the Board of Internal Improvements shall receive as compensation for their services the sum of two dollars each for one regular meeting of the board attended by them, and shall have authority to engage counsel and such other professional and clerical assistance as they may deem necessary, all

Compensation of board of internal improvements.

Employment of counsel and other expenses.

expenses to be paid out of the funds in their hands for sewerage and street purposes.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 220.

AN ACT TO AMEND CHAPTER 376 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1901.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter 376 of the Private Laws of North Carolina, session 1901, be and the same is hereby repealed. Former act amended.

Sec. 2. That as a substitute for and in lieu of said section 1 of said chapter 376, the following shall be inserted as section one of said chapter 376, viz.: That the Board of Aldermen of the city of Charlotte, at their first meeting after their election in May, 1903, and their successors in office every two years thereafter, shall elect a Recorder for said city, whose term of office shall continue for two years and until his successor has been duly elected and qualified. In case of a vacancy in said office the Board of Aldermen shall elect another Recorder to fill out the unexpired term: *Provided*, that this act shall not in anywise interfere with, abridge or invalidate the powers, duties, rights and privileges of the present Recorder of said city until his successor is elected and qualified as prescribed in this act. Board of aldermen to elect recorder. Term of office. Vacancy, how filled. Proviso.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

Chapter 221.

AN ACT TO INCORPORATE THE CHEROKEE LIGHT AND POWER COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Alfred S. Emerson, George Dearborn, John H. Carter, John H. Dillard and M. W. Bell, their associates, successors and assigns, be and they are hereby made and constituted and declared a body politic and corporate, by the name and style of the Incorporators. Body politic.

Corporate name. Powers and purposes.

Cherokee Light and Power Company, for the purpose of locating, building, equipping and operating an electric light and power plant at some point on the Hiawassee River or its tributaries, near Murphy, N. C., to supply light and power to citizens and others in Cherokee and other counties, including the municipality of Murphy, and of building, equipping and operating a system of electric railways in said county of Cherokee and adjoining counties.

Erection of plant. Electric railways.

Sec. 2. Said company may erect its said plant and locate and build any necessary dams to be used in connection therewith, and may locate and build its line of transmission wires, and may locate and build its electric railways at such places and along such routes as it shall deem most expedient and advantageous; and in addition to the furnishing of power sufficient to run its own enterprises, may furnish, lease or sell power to any other person, firm or corporation; it shall have the right to cross at grade, or over or under, and to intersect, join or unite its railroads with any other railroads now built or constructed within this State at any point on their routes, upon the grounds of such railroads, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of their construction.

Perpetual succession. Powers. Real estate.

Sec. 3. That said company shall have perpetual succession, and a common seal, which it may alter or renew at pleasure, and is hereby invested with all the rights, powers and privileges conferred by chapter 49, Volume I of The Code, and in particular with the right in case of disagreement as to its purchase, with the owner of any real estate required for any of the purposes of its incorporation, to acquire title to same in the manner and by the special proceedings prescribed in said chapter 49.

Subscriptions to stock, payment of. Powers.

Sec. 4. It shall be lawful for said corporation to acquire and hold lands, and to receive subscriptions to its capital stock by way of donations, bonds, money, lands and other property, labor, work materials or other means available for their purposes, and to receive subscriptions from individuals, other companies, associations or corporations, and the said company may sell, lease or otherwise dispose of any lands or other property acquired under this section.

Other corporations may become stockholders. May lease to other companies.

Sec. 5. It shall be lawful for any transportation company, chartered by the laws of this or other States, or any town, township or county to aid in the construction and equipping of any dams and power-houses, or any of said electric railroads, and for that purpose may subscribe to the capital stock of said company; and said corporation may lease its entire property upon such terms as may be satisfactory to be operated by other company or companies, and such company or companies with which it may make such contract are hereby empowered in like manner to carry out the same; and said company may lease, sell or furnish electric power and light to

any municipality, individual, firm or corporation upon such terms as may be agreed on.

Capital stock. Sec. 6. The capital stock of said company shall be fifty thousand ($50,000) dollars, to be divided into shares of the par value of one hundred ($100) dollars each. In all meetings of stockholders each share shall be entitled to one vote. Said company may, with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount necessary for constructing and operating its power plants and adjuncts and system of railroads, such increase to be made at a regular meeting or a meeting called for such purpose, at such place and upon such notice as may be necessary and proper in order that two-thirds in value of all the stock may be represented at such meeting; and this company is authorized to secure this increase, or any other amendment of its charter, in the office of the Secretary of State by complying with sections 29 and 96 of chapter 2 of the Public Laws of 1901.

Shares.

Voting power.

Increase of capital stock.

Amendments to charter.

Power to borrow money, issue bonds, etc. Sec. 7. Said company shall have the power to borrow money to such an amount as it may deem necessary and proper, and for any loan to issue debentures or bonds of the company, bearing interest at such rates as the company may determine, and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal and mixed, its charter rights and income.

Organization. Officers. Sec. 8. The corporators herein mentioned shall have the power and authority of a president and board of directors for the purpose of the organization of said company, and for all other purposes, until a president and board of directors shall be selected at a stockholders' meeting; and said meeting shall be held after such notice as said corporators may deem proper; whenever twenty-five thousand ($25,000) dollars of the capital stock shall have been subscribed; the said corporators may elect one of their number chairman, who shall have the power and authority of president of said company, and in all matters a majority of said corporators shall control.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 222.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY OF THE PRIVATE LAWS OF NINETEEN HUNDRED AND ONE, ENTITLED "AN ACT TO INCORPORATE THE RUTHERFORDTON, HICKORY NUT GAP AND ASHEVILLE RAILWAY."

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter two hundred and twenty of the Private Laws of the General Assembly of North Carolina, passed at the session of one thousand nine hundred and one, be and the same is hereby amended by adding thereto, after "section 14," the following sections:

Counties, cities, etc., may subscribe to stock.

"Sec. 15. That it shall be lawful for any township, county, city or town through or near which the said railroad may run or be located, to subscribe for and hold stock in said railroad company, or in any section thereof, in case any section be built alone,

To be authorized by majority of qualified voters.

whenever such subscription shall be authorized under the provisions of this act by a majority of all the qualified voters of such township, county, city or town."

Petition for election.

"Sec. 16. That in case any county through or near which the said road runs or is located desires to subscribe for stock in said company, it shall be the duty of the Board of Commissioners of such county, upon the petition of not less than fifty freeholders and resident tax payers of the county, to provide for the submission of the question of subscription to the qualified voters of such county; and in

Bond issue and tax levy.

case the same is adopted by said voters, then the bonds shall issue, and taxes to pay the same shall be levied, as prescribed by the general laws in such cases, as is contained in chapter forty-nine of

Code.

The Code of North Carolina."

Duty of county commissioners to order election.

"Sec. 17. That in case any township, city or town through or near which the said railroad may run or be located shall desire to subscribe to the capital stock of the said railroad company, the Board of Commissioners of the county in which said township, city or town is situated, upon the presentation of a petition signed by at least twenty freeholders and resident tax payers of such township, city or town, requesting said Commissioners to submit to the vote of the qualified voters of their respective township, city or town, as the case may be, a proposition to subscribe a definite sum named in such petition to the capital stock of the Rutherfordton, Hickory Nut Gap and Asheville Railway, it shall be the duty of said Board of

Publication.

Commissioners, after at least thirty days' notice, to be given by publication in some newspaper published in said county, to order an election to be held at the various polling places in the township, city or town so petitioning, and submit to the qualified voters

thereof the question of subscribing to the capital stock of said railroad company the amount specified in the petition, at which election those in favor of such subscription shall vote "Subscription," and those opposed shall vote "No Subscription." In any township said election shall be held, registrars, poll holders and judges appointed, the registration of votes taken, as provided by law for general elections of members of the General Assembly in townships; and in any city or town said election shall be held as provided by law for the election of Commissioners or Aldermen in cities and towns, except that in all such elections the poll holders shall make returns within three days after the election to the Board of County Commissioners of the county, who shall canvass the returns, declare the result and cause the same to be entered on their minutes."

Ballots.
Election officers.
Election, how governed.
Returns.
Canvass of returns.
Result, how declared and recorded.

"Sec. 18. That in case any township, city or town shall, by a majority vote of all the qualified voters therein, direct a subscription as provided in this act, then the chairman of the Board of Commissioners shall, within sixty days after said vote is ascertained, subscribe the amount authorized by the vote of said township, city or town in stock to said railroad company, to be paid for in the bonds of such township, city or town at their face value, and said bonds shall not be sold for less than par by said railroad company."

Subscription, how made.
Bonds not to be sold at less than par.

"Sec. 19. To provide for the payment of said subscription made as provided for in this act, the Board of Commissioners of the county in which is situated any township, city or town making such subscription, shall issue coupon bonds to the amount of the subscription so authorized, and said bonds shall upon their face indicate upon account of what township, city or town they are issued. Said bonds shall be in denominations of not less than fifty nor more than one thousand dollars, and shall run for not exceeding thirty years, and bear interest not exceeding six per centum per annum, payable annually or semi-annually, and payable at such time and place as the Board of County Commissioners may direct."

Issue of bonds.
Denominations.
Term.
Rate of interest.

"Sec. 20. To provide for the payment of said bonds and the interest thereon, issued under the authority of this act, the Board of Commissioners of any county wherein the township, city or town issuing the same may be situated shall, in addition to the other taxes that annually may be levied upon the property and polls of such township, city or town, annually compute and levy, at the time of levying the general taxes upon the property and polls of such township, city or town, a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due, and to provide a sinking fund to pay off the principal of the same as the bonds may mature, which taxes shall be collected by the Sheriff of the county, if the taxes be levied upon the subjects of taxation in a township to pay township bonds, and by the Tax Collector of a

Special tax.
Sinking fund.
Collection of taxes.

city or town to pay city or town bonds, and promptly applied to the payment of the interest and principal of said bonds as the same may respectively become due."

Bonds not transferable until 50 miles of road in operation.

"Sec. 20. That no bonds issued under the provisions of this act shall be sold or transferred to any person, company or corporation, or otherwise used, until at least fifty miles of said railroad shall be constructed and in operation."

Conflicting laws repealed.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 223.

AN ACT TO INCORPORATE THE GOOD ROADS ASSOCIATION OF ASHEVILLE AND BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That C. P. Ambler, H. Taylor Rogers, B. M. Jones, Thomas Wadley Raoul, John A. Nichols, W. M. Johnston, Jr., E. C. Chambers, E. C. Sawyer and Duff Merrick, and all such other persons as are now associated with them as members of the Good Roads Association of Asheville and Buncombe County, or that may

Body politic.

hereafter regularly become associated with them, be and they are hereby constituted a body politic and corporate under the name

Corporate name.

and style of the "Good Roads Association of Asheville and Buncombe County,"

Purposes.

for the purpose of promoting and encouraging the building of good roads in the county of Buncombe and elsewhere,

Powers.

and by such name and style said corporation may sue and be sued, plead and be impleaded, in any and all of the courts of this State,

Perpetual succession.

contract and be contracted with, and have perpetual succession and a common seal. Said corporation is also empowered and authorized to sue for and recover any penalty provided or allowed by the laws of North Carolina.

Real estate.

Sec. 2. That said corporation shall have the authority and power to acquire, by purchase or otherwise, lands and tenements and hold the same in fee-simple or by less estate, and to use and dispose of

Personal property.

the same as it may deem best; and also to acquire, hold and dispose of such personal property as may be deemed advisable by said

May be stockholder in other corporations.

corporation for its purposes, including the right to invest its moneys in the stocks, bonds and other securities of other corporations, or

otherwise invest its moneys as it may think proper; and all property owned by it shall be exempt from any and all State, county and municipal taxes and charges.

Constitution and by-laws. Rules and regulations.

Sec. 3. That said corporation shall have the right to adopt a constitution and by-laws and rules and regulations for the admission and expulsion of its members and their government, the election of its officers and to define their duties, and for the safe keeping and protection of its property and funds, and to create more than one class of members and to define the status of such different classes of members, and from time to time alter, amend or repeal said constitution, by-laws and rules and regulations. That the present constitution and by-laws, in so far as they are not inconsistent with the provisions of this act and the laws of the State of North Carolina, are hereby confirmed and declared to be the present constitution and by-laws of said corporation. That the present organization of said corporation is hereby confirmed, and the present officers and directors of said corporation are hereby declared to be the officers and directors of said corporation for the terms for which they have respectively been elected, and shall hold office until their successors are elected and have qualified in the manner prescribed by the constitution and by-laws, and no new organization of this corporation shall be required by reason of the passage of this act.

Present organization.

Officers.

Principal place of business.

Sec. 4. That the principal office or place of business of said corporation shall be in the city of Asheville, Buncombe County.

Powers.

May borrow money, issue bonds, etc.

Sec. 5. That said corporation shall have power and authority to borrow money, and to issue its notes, bonds or other evidences of indebtedness, and to secure such notes, bonds or other evidences of indebtedness by mortgages or deeds of trust upon any or all of its property and franchises.

Individual liability restricted.

Sec. 6. That the members of said corporation shall not be individually liable for its debts.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 224.

AN ACT TO INCORPORATE THE TOWN OF SCOTLAND VILLAGE, IN THE COUNTY OF SCOTLAND, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Scotland Village incorporated.

Section 1. That the town of Scotland Village, in Scotland County, be and the same is hereby incorporated under the name and style

Corporate name. Powers.

of "Scotland Village," and as such shall be subject to and governed by all of the provisions of chapter 62, Volume II of The Code of North Carolina, except as hereinafter provided.

Corporate limits.

Sec. 2. That the corporate limits of said town shall include the lands of the Scotland Cotton Mill, situate in Stewartsville Township, Scotland County, State of North Carolina, bounded and described as follows, namely: Situate on the south side of the Carolina Central Railroad and on the east side of Leith's Creek, and beginning at a corner in the run of Leith's Creek and at the line of the right of way of the Carolina Central Railroad Company, and runs thence south 67 degrees east 29 chains and 50 links to a corner; thence south 23 degrees west 16 chains and 90 links to a corner in W. R. McEachin's line; thence north 67 degrees west 10 chains and 87 links to said McEachin's corner at the edge of the swamp of said creek; thence south 35 degrees west 5 chains and 50 links to the run of said creek; thence up the various courses of the run of said creek to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a Mayor, two Commissioners, Treasurer, Town Clerk and Constable.

Election of officers.

Sec. 4. That the Mayor and Commissioners of said town shall be elected on the first Monday in May, 1904, and on said day in each and every year thereafter, in the same manner and under the same rules and regulations as are prescribed in chapter sixty-two of Volume II of The Code of North Carolina, entitled "Cities and Towns," and the said Mayor and Commissioners shall, at their first meeting after their qualification, elect the Constable, Town Clerk and Treasurer and other officers of said town, who shall hold their offices for the term of one year, and until their successors are elected and qualified; that until their successors have been duly elected and qualified as prescribed herein, the following named persons shall fill said offices, namely: Mayor, S. V. Upchurch; Commissioners, C. J. Perry and C. L. Upchurch; and the said persons shall elect a Constable and Town Clerk and Treasurer, to hold their offices until the next general election.

Officers until first election.

Vacancies, how filled.

Sec. 5. That whenever a vacancy occurs in either of said offices for said town the Commissioners of said town shall fill the same by appointment made by them in regular meeting.

Oath of office.

Sec. 6. That it shall be the duty of said persons above named as officers of said town, and of all persons hereafter elected or appointed officers of said town, including Town Clerk and Treasurer and Constable, to take the oath prescribed by law for officers for towns and cities, before some officer authorized by law to administer oaths, and to enter upon the discharge of their duties within ten days after their election or appointment to office.

Ordinances, rules, etc.

Sec. 7. That the Mayor and Commissioners of said town shall have power to pass ordinances, rules and regulations for the government

of said town, not inconsistent with the laws of the State of North Carolina and of the United States.

Sec. 8. That the Commissioners of said town shall have power to levy taxes upon the poll and property within said town each year, but that said taxes levied by said town shall not exceed the sum of thirty cents on the poll and the sum of ten cents on the one hundred dollars valuation of real and personal property. Levy of town tax. Tax rate.

Sec. 9. That it shall be unlawful for any person to sell, barter, exchange or dispose of in any manner whatever, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters, ginger tonic or any drink [of] whatever name or kind which is intoxicating, within the corporate limits of said town. Sale of liquors prohibited.

Sec. 10. That the Sheriff or jailer of the county of Scotland and the Town Constable of the town of Laurinburg are hereby required to receive into the jail of the county of Scotland or the town prison or guard-house of the town of Laurinburg, any person duly committed to such jail or town prison or guard-house by the Mayor of said town of Scotland Village, and there to keep such person until discharged according to law; and for such services the Sheriff, jailer or the Town Constable shall be entitled to such fees as in other like cases to be paid by said town of Scotland Village. Confinement of prisoners.

Sec. 11. That the Mayor of said town of Scotland Village shall have jurisdiction of all offenses committed in the corporate limits of said town of Scotland Village under the same rules and limitations as is prescribed by laws of the State of North Carolina. Jurisdiction of mayor.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

Chapter 225.

AN ACT TO INCORPORATE THE ALEXANDER HOME OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Mesdames W. W. Ward, J. A. Somomons, E. S. Steele, E. L. Keesler, J. L. Koiner, P. S. Gilchrist, C. D. McKnight, H. S. Bryan, Geo. Howell, A. B. Reese, C. M. Carson, L. A. Dodsworth, Luke Seawell, W. H. Twitty and Misses Margaret Rankin, Ella Summey and Sallie Alexander and their successors are hereby Incorporators.

Body politic. Corporate name. Perpetual succession. Powers.

created a body politic and corporate under the name of "The Alexander Home of Charlotte, North Carolina," by which name they shall have perpetual right of succession and a common seal, with all the other rights, powers and privileges usually conferred upon and enjoyed by corporations organized for a similar purpose, including the right to receive by purchase, gift, devise or bequest both real and personal property, to hold, transfer and convey the same for the purpose and within the limitations hereby conferred.

Purposes and objects.

Sec. 2. The object of the home shall be to promote the cause of virtue and humanity by protecting the young, destitute and friendless from exposure and to vice and suffering incident to their condition; also, to secure for homeless children, as far as practicable, the training of a Christian family; also, to secure, as far as practicable, Christian training for the children of vicious and dissolute parents, and to that end officers of the home shall have full power and authority to contract with the parents of such children for their custody, maintenance and education, which contract shall be binding upon all parties thereto; and for a like purpose the home shall have power and authority to receive, by virtue of the order of any court, the custody, care, education and maintenance of any homeless and orphan children, upon such terms and conditions as are imposed by law upon natural persons under similar circumstances.

Officers.

Sec. 3. That the officers of the home shall consist of a president, a vice-president, a secretary and treasurer, and a board of managers to consist of the incorporators named in section 1 of this act, and

Vacancies, how filled.

their duly elected successors. In case of the death or resignation of any of the foregoing members of said board the vacancy shall be supplied by the remaining members thereof by election, in accordance with the by-laws of the home, to be adopted by said board, and the other officers of said home shall be elected by said board for such terms and upon such conditions as said by-laws shall prescribe.

Quorum.

Sec. 4. That a majority of said board shall constitute a quorum for the transaction of business, and the board shall adopt such other

By-laws.

by-laws as it shall deem necessary to prescribe the other rules and regulations for the control and management of the affairs of the home, and when so adopted said by-laws can only be repealed, changed or modified by the vote of three-fourths of the members of said board of managers.

Other officers.

Sec. 5. That the board may create such other offices as in its judgment may seem necessary and proper for the more efficient management of the affairs of the institution, and when so created shall fill the same in like manner as the other offices hereinbefore created shall be filled.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

Chapter 226.

AN ACT FOR THE RELIEF OF J. M. ALLHANDS, SCHOOL-TEACHER, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the committee of School District No. 5, Cool Springs Township, Rutherford County, North Carolina, be and they are hereby authorized and empowered to draw an order on the County Treasurer of said county for the sum of nine dollars and twenty-five cents in favor of J. M. Allhands, as a balance due on repairs to school building and grounds in said district. Payment authorized.

Sec. 2. That the County Treasurer shall pay said claim, when properly endorsed and countersigned by the County Superintendent, out of any moneys now in the treasury belonging to or that may hereafter be apportioned to said district. County superintendent to countersign order.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, 1903.

Chapter 227.

AN ACT FOR THE RELIEF OF W. A. NEWELL, A PUBLIC SCHOOL-TEACHER OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Anson County be and is hereby authorized and required to pay to W. A. Newell the sum of twenty-six ($26) dollars out of any public school moneys now due or which may hereafter become due District Number two (2) for white race, Lilesville Township, said sum being a balance due for services rendered as teacher. Payment authorized.

Sec. 2. That the said sum is not to be paid by the County Treasurer unless it is approved by the County Superintendent of Schools and the County Board of Education. Approval of superintendent.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 228.

AN ACT TO ESTABLISH A SAVINGS BANK AT BURLINGTON, ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. That J. A. Davidson, J. W. Rippy, J. S. Thompson, James G. Holt, Chas. E. McLean, and their associates, successors
Body politic. and assigns, be and they are hereby created a body politic and cor-
Corporate name. porate under the name and style of The Peoples Bank, and by such
Powers. name may acquire, hold and convey real and personal property, sue
Period. and be sued, plead and be impleaded in any of the courts in the State and have a continued succession for thirty years, and a common seal, for the purposes indicated in this act, and shall have all the powers, rights and privileges granted to any banking institution in this State under the laws of the State of North Carolina.

Capital stock. Sec. 2. The capital stock of said corporation shall be not less
Increase of same. than ten thousand dollars, which may be increased from time to time to a sum not exceeding one hundred and twenty-five thousand dollars,
Shares. in shares of fifty dollars each; said corporation may commence
To commence business, when. business when five thousand dollars shall have been paid in. The
Individual liability. stockholders shall not be liable for the debts or torts of the corporation, other than that as prescribed by the laws of the State of North Carolina, "and shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares."

Board of directors. Sec. 3. That the affairs of the corporation shall be governed by a board of not more than nine nor less than five directors, who shall be elected by the stockholders when the said corporation is first organized, and annually thereafter, to hold office for the term of one year, or until their successors have been elected: *Provided*, that no person shall be a director in said corporation without having first subscribed and taken at least four shares of stock in said cor-
Officers. poration. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year or until their successors have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeed-
By-laws, etc. ing annual meeting of the stockholders, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business and to appoint officers sufficient for the economical conduct of the business and fix their salaries.

Principal office. Sec. 4. That the principal office or banking house shall be located in the city of Burlington, North Carolina, but the corporation may

move its principal office or establish branch offices at or in such other places in the State of North Carolina as may be deemed expedient or beneficial: *Provided*, such taxes as are required for additional banks shall be paid. Branch offices.

Sec. 5. That this corporation shall have the power to receive and pay out the lawful currency of the country; deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or to receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femes covert* or other persons on such terms and time and manner of collection and payment as may be agreed upon between the parties; and for the use and loan of money may charge so high a rate of interest as six per centum per annum, and may take and receive said interest at the time of making said loan, free from all other control, contract or liability whatever; to invest in stocks, bonds or other securities of this or any other State or of the United States or of any corporation under the laws thereof, and to take such real and personal property, conditioned in such form for the payment of the principal and interest of money loaned, advanced or expended, as may be deemed most safe, expedient or beneficial. Powers. General banking business.

Sec. 6. That said corporation shall have power and authority to guarantee the payment of principal and interest on notes, bonds, bills of exchange and other securities and evidences of debt, including the obligations of such corporations or individuals as may have secured their payment by deed of trust made to this corporation for such purpose or special purposes, and to receive for any guarantee such compensation as the parties may agree upon, and may charge therefor so high a rate of interest as six per centum per annum, and may take or receive the interest at the time of making such transaction. Guaranty business.

Sec. 7. The said company shall have power to receive money in trust and accumulate the same at legal rate of interest, and to allow the interest, not exceeding the legal rate; to accept and execute trusts of every description as fully as a natural person could, which may be committed to said corporation by any person or persons whatsoever, or by any corporation or by order or decree or authority of any court of record, upon such terms as may be agreed upon, provided or declared in regard thereto; to act as agent for the purpose of issuing, registering or countersigning certificates of stock, bonds or other evidences of debt of any State, corporation, association, municipality or public authority, on such terms as may be agreed upon; to lease and rent real estate and collect rent for the same; to accept from and execute trusts from married women in respect to their separate property or estate, and to act as agent for them in the management, sale and disposition of their properties. May act as agent, trustee, etc.

May act as executor, guardian, etc.

Sec. 8. That in all cases where an application may be made to any court having jurisdiction to appoint a guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such guardian, committee, administrator, trustee or receiver upon the like application that any person might be so appointed; and it shall be lawful for any person by deed, will or any other instrument of writing, to appoint said company a trustee, executor, guardian, assignee or receiver, and as such executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee or receiver, said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities and subject to be removed like natural persons.

Safety deposits.

Sec. 9. That it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer or other persons having the custody of any bonds, stocks, securities, moneys or other valuables to deposit the same for safe-keeping with said company: *Provided*, that the deposit shall not exonerate the individual or individuals from liability.

Proviso.

Subject to order of court.

Sec. 10. That every court wherein said company shall be appointed or allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it may be made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and to require said company to render all accounts which such courts might lawfully make or require if such company was a natural person; and the court, if it deem necessary, may from time to time appoint suitable persons to investigate the affairs and management of said company, or the court may, if it deem necessary, examine the officers of said corporation or company, under oath or affirmation, as to the security aforesaid.

Court may order investigation.

Powers.

Sec. 11. That said company is authorized to invest moneys received in trust or deposit, loan or otherwise, and to take, have and hold estate, real and personal or mixed, obtained with the money aforesaid or with funds belonging to said company, and to sell, grant, mortgage or otherwise encumber, lease or dispose of same, and to that end may execute all deeds or other instruments concerning the same, to deal in exchange, foreign or domestic, securities, mortgages, bonds, certificates of indebtedness, stocks of incorporated companies, notes, loans, bonds of the United States, of any city, county or of any incorporated company or individual.

Guaranty business.

Sec. 12. That said company shall have the power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of

debt, values, checks and title to property, real and personal, indebtedness of companies, partnerships, cities, etc., on such terms or commissions as may be agreed upon by the parties dealing therewith.

Storage warehouse business.

Sec. 13. That said company may receive upon storage, deposit or otherwise merchandise, moneys, specie, plate, stock, promissory notes, certificates and evidences of debt, contracts, and all other personal properties whatsoever; take charge and custody of real and personal estates and securities, advance money thereupon on such terms as may be established by said company; and in all cases in which public officers or municipal or private corporations are authorized to deposit moneys, stocks, bonds or evidences of debts, such deposits by such officers or corporations may be made with said company, and said company may be appointed and is hereby authorized to act as redemption agent for any bank or banking association created or existing under the laws of the State.

Foreclosure of liens, etc.

Sec. 14. That it shall be lawful for said company to sell at public auction all property or securities of whatsoever kind mentioned or specified in any contract or agreement between the company and the other party or parties, after the maturity of an obligation under said contract or agreement, upon giving ten days' notice by advertisement of the time and place of sale in some newspaper published in the same county where said company is carrying on its business, and to reimburse itself out of the proceeds of such sale for the money due it, with interest, storage, costs and charges, and to indemnify itself for any loss it may have sustained for the nonfulfillment of such contract or by reason of any misrepresentation, fraud or concealment.

May purchase at sale.

Sec. 15. That when the company shall have cause to sell any of the property of any of the debtors of the company on which it has lien or claim to secure a debt, or when such property shall be sold for its benefit, the company may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption.

Proviso.

General banking business.

Sec. 16. That the corporation aforesaid shall have full power to conduct a general banking business with the savings feature, and it shall have all the rights and privileges granted any general bank or savings bank under the laws of North Carolina, and its directors may make, alter and change by-laws for the government of the business regulating the receiving of deposits in small sums, paying interest thereon, not exceeding legal rate, in such amounts, in such manner and at such periods as they may determine from time to time, and not inconsistent with the banking laws of North Carolina; and they may, if they deem necessary, open and keep the

Savings department.

accounts of the savings department separate, with a separate officer in charge thereof.

Forfeiture of charter. Proviso.

Sec. 17. No powers or privileges granted herein shall be deemed forfeited by non-use: *Provided*, the corporation is organized within two years from the date of ratification of this act.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 3d day of March, A. D. 1903.

Chapter 229.

AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA CENTRAL RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Former charter amended.

Section 1. That the charter of the North Carolina Central Railroad Company heretofore, to-wit, on the 26th day of July, A. D. 1902, obtained under the provisions of chapter forty-nine The Code of North Carolina and the laws amendatory thereof, be and the same is hereby amended so as to read as follows:

Incorporators.

Sec. 2. That Edward W. Shedd, J. Herbert Shedd, William T. Pratt, F. W. Siebert, M. H. Caldwell, A. H. Slocumb, J. W. McLauchlin, Jonas Cook, their associates, successors and assigns, be and

Body politic.

they are hereby constituted a body politic and corporate under the

Corporate name.

name of the South Atlantic and Northwestern Railway Company, and by such name they and their successors and assigns shall have

Term.

corporate succession and existence for a term of ninety-nine years,

Powers.

and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal and change the same at pleasure, and shall have power to purchase, hold and convey lands, tenements, goods and chattels when necessary or expedient for the purposes of the incorporation, and shall have power to make

By-laws.

such by-laws, rules and regulations as may be necessary for its government or which its directors may deem proper and expedient, not inconsistent with the laws of the State or of the United States; and shall enjoy all the rights, powers, franchises, immunities and privileges heretofore granted in said charter under chapter 49 of The Code, or by the general laws of the State.

Powers.

Sec. 3. That said company is hereby authorized and empowered

May build railroad.

to lay out, construct, maintain, equip, use and operate a railroad

Route.

with one or more tracks, standard gauge or otherwise, by such route as may be by the directors deemed most advantageous and expedient,

from any point on the Cape Fear River at or near the city of Fayetteville or east or southeast of the village of Hope Mills, in the county of Cumberland, to the city of Concord, in the county of Cabarrus, and if the board of directors deem advisable said road may be extended westerly to any point in Burke County, and may also construct, operate and maintain such branch lines and extensions as may be necessary or advantageous to the extension, completion or successful operation of said railroad, not to exceed twenty-five miles in length for any of said branch roads; and may also construct, operate, lease and maintain telegraph and telephone lines. Said railway company may use electricity, steam or any other motive power; and may equip, use and operate any part or parts of said line, whether constructed, leased or purchased, without waiting to complete said line of railroad, and said board of directors shall have the right and authority to construct the said railroad at either or both of the terminal points of said line or at any intermediate points, and to operate the same for transportation of freight and passengers for hire and reward. Said railway company may also condemn and hold during its corporate existence all lands within fifty feet of the centre of the track of said company, on either side, and may purchase and hold such other tracts of land as may be needed by said corporation for railroad purposes, or to increase the amount of freight shipped over its road; and said company shall have power and authority to construct dams, culverts, trestles and bridges over and across streams, falls and depressions, and to cross at, over and under grade, to interest, join or unite its railroad with any other railroad in the State, upon the lands of such other company at any point in its route, and to build all necessary turnouts, switches and other conveniences required for the successful operation of said road; and said corporation may acquire by purchase or lease, or may consolidate with any other transportation companies or lines and assume its corporate name, or may sell or lease any part thereof or the whole of its lines to any other company, and if it shall lease or sell a portion or the whole of its line or lines to any other company, then the company purchasing shall take the line or lines so purchased, with all the franchises herein granted, and may manage the same under its own corporate name: *Provided*, that nothing contained in this act shall be construed so as to authorize the consolidation of this company with any other company operating a competing railroad.

Branch lines.

Telegraph and telephone lines.

May condemn land.

Connection with other lines.

Consolidation, etc., with other lines.

Proviso.

Sec. 4. That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into fifteen hundred shares of the par value of one hundred dollars each. The Secretary of State is authorized to amend this charter increasing the capital stock from time to time as the board of directors of the company may desire, upon the payment to him of the taxes and fees as pro-

Capital stock.

Shares.

Secretary of State may increase capital stock.

Common and preferred stock.

vided in section 96, chapter 2, Public Laws of 1901. The board of directors shall have the right to divide said capital stock into common and preferred stock, and said preferred stock shall be issued upon such terms and conditions and in such manner, form and designation as shall be prescribed by the board of directors. The capital stock of said company may be created by subscriptions by individuals, corporations, counties, cities, towns and townships, and said subscriptions may be paid for in money, labor, land, materials, cross-ties, stocks, bonds or other securities, or in any other way that may be agreed upon between the corporation and the subscribers, and the corporation may receive donations of any kind of property, both real and personal, and labor.

Other corporations may take stock.

Payment of subscriptions.

Condemnation proceedings.

Sec. 5. That when any right of way may be required by the company for the purpose of constructing their roads, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned and taken as provided for in section one thousand nine hundred and forty-six of The Code of North Carolina of eighteen hundred and eighty-three, and the right of the company to condemn land as aforesaid shall extend to the condemning of one hundred feet on each side of the main track of the railroad, measuring from the center of the same, and the company shall have power to condemn and appropriate in like manner for the building and erection thereon of depot, warehouses, shops and houses for the servants, employees and other purposes, not exceeding ten acres in any one lot or place; and it shall be lawful for any officer, agent, surveyor, supervisor or employee of the company to enter at all times upon all lands or water for the purpose of exploring, leveling or doing anything necessary or proper for laying out the route of said railroad and locating the same, and to erect all necessary works and buildings required in their behalf, doing no unnecessary injury to private property. The commissioners provided for in this section shall, before proceeding to act, be sworn by some person authorized to administer an oath, to perform their duties faithfully, speedily and justly to all parties concerned, and their oath, witnessed by the person administering it, shall be filed with their report, and all claims or demands of damages for land or right of way condemned under this act shall be forever barred from collecting unless an action for their recovery shall be commenced within two years from the date of condemnation of said land or right of way.

Limitation of action.

Counties, townships and municipalities may subscribe to stock.

Sec. 6. That the Commissioners of Cumberland County and of any other county or any township through which said railroad may pass, shall have full power and authority to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said county or townships respectively; and the authorities of all incorporated cities or towns

to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by their directors and members. And to enable them to borrow money to make such subscriptions they may issue bonds or other evidence of debt; when such subscriptions are made they shall be as binding on the county, township or other corporation making them as individual subscriptions are upon those by whom made. And in all cases where a township shall make a subscription the County Commissioners shall be authorized to represent such township and to make such subscription, when authorized by vote, as hereinafter provided.

Payment of subscriptions by counties, etc.

Sec. 7. That the Board of Commissioners of the several counties through which the road may pass are respectively authorized and required, whenever one-fourth of the qualified voters of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place or places therein, after thirty days' notice of said election by advertisement at the court-house door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the election of subscribing to the capital stock the sum of money specified in the written request of the voters calling for said election as aforesaid, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Railroad," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Railroad." The returns of said election shall be made to the County Commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the qualified voters in said township shall be for railroad, then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the Board of County Commissioners. And the Commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint a registrar and two judges, etc., and the registration books shall be kept open for the registration of qualified voters for twenty days prior to such election.

Elections in counties, etc.

Notice of election.

Ballots.

Returns.

New registration, etc.

Sec. 8. That in payment of any subscription made as provided in the next preceding section the Board of Commissioners of the county wherein such township may be situated shall issue bonds to an amount not exceeding the sum so subscribed, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable thirty years after the first day of January next after the years in which they are issued. They

Issue of bonds.

Term.

Rate of interest.

shall be coupon bonds and bear interest at the rate of five per cent. per annum, interest payable on the first day of January in each year by the Treasurer of the county in which said township is situate, if the county have a Treasurer, but if not, then by the Sheriff of the county. The said bonds shall be signed by the chairman of the Board of County Commissioners and the Treasurer of the county, and the coupons by said Treasurer, or in lieu thereof his *fac simile* signature may be printed thereon.

Execution of bonds.

Special tax.

Sec. 9. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the Board of Commissioners of the county in which the township is situate on account of which said bonds have been issued shall, in addition to other taxes, compute and annually levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and such amount of the principal thereof as the Commissioners may deem necessary which taxes shall be collected by the Sheriff of such county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over the State and county taxes. The Sheriff shall pay said taxes when collected to the Treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par: *Provided,* if said county have no Treasurer, then the Sheriff shall retain the taxes in his hands for the performance of the duties hereinbefore required of the Treasurer, which duties he shall perform instead of the Treasurer.

Collection of special tax.

County treasurer to receive and disburse proceeds of tax.

Proviso.

Election in cities, etc.

Sec. 10. That the Commissioners or Aldermen of any city or town in any of the counties through which the said railroad may be constructed shall be authorized and required, when one-fourth of the qualified voters in said city or town shall in writing request that a proposition to subscribe a specific amount to the capital stock of said company may be submitted to the qualified voters of such city of town, to cause an election to be held therein under the same rules and regulations, including a special registration, as are prescribed hereinbefore for the election in townships, except that the returns of the election shall be made to the Commissioners or Aldermen of the city or town, who shall canvass the same, and if a majority of all the qualified voters of said city or town shall have voted "For Railroad," then the Mayor of the city or town shall make the subscription to the capital stock of said railroad company. For the purposes of this act the meaning of "qualified voters," whenever it occurs, shall include only those voters who shall have registered under the special registration herein provided for. And in payment

New registration, etc.

"Qualified voters" defined.

of any subscription the Aldermen or Commissioners of such city or town shall order the issue of bonds of the same denomination and character, bearing the same interest and having the same time to run, as is provided hereinbefore for township subscriptions; and in addition to the other tax upon the subjects of taxation in said city or town the said Aldermen or Commissioners shall levy tax sufficient to pay the interest on said bonds and such amount of the principapl as the Commissioners shall have deemed necessary to be levied to form a sinking fund for said bonds. The tax levied under the provisions of this section shall be collected by the Constable or the Tax Collector of such city or town in the same manner as the other taxes of said city or town are collected, and subject to the same rules and regulations and with the same penalties and remedies against the Constable or Tax Collector and his sureties for failure to collect and account for the same. When collected said taxes shall be paid by the Constable or Tax Collector to the Treasurer of said city or town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.

Issue of city bonds, etc.

Special tax.

Application of taxes.

Sec. 11. The bonds issued under the provisions of this act to secure subscriptions to the capital stock of said railroad company by any township shall be signed by the chairman of the Board of County Commissioners of the county in which said township is situated and by the Clerk of said board, and the coupons shall also be thus signed. The bonds issued by any city or town under the provisions of this act shall be signed by the Mayor and the Treasurer of said city or town, and the coupons shall be signed by the Treasurer of such city or town, or in lieu thereof his *fac simile* signature may be printed thereon.

Execution of bonds.

Sec. 12. The bonds, or stocks, issued under authority of any such election by town, township, city or county, may be refunded by the authorities of such town, township, city or county, at or before maturity, at the same or a lower rate of interest: *Provided*, the holder of any such stocks, bonds or securities consent to such refunding, changing or reduction in the rate of interest.

Refunding of county, etc., bonds.

Proviso.

Sec. 13. That it shall be lawful for any officer, agent, surveyor, engineer or other employee of said corporation to enter upon the lands for the purpose of exploring, leveling or doing anything necessary or proper to be done for the laying out of said railroad and locating the same, and upon the location and construction of said road or any part thereof, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the corporation, for a width of one hundred feet, including any abandoned right of way or road-bed, shall be vested in said corporation, and the proceedings for the condemnation of

May enter lands to lay out road, etc.

May use abandoned right of way, etc.

said lands and for the recovery by the owners for the value thereof shall be the same as prescribed in The Code of North Carolina; and shall have the right to use and occupy any abandoned road-bed or right of way under the same power of condemnation.

May issue bonds, etc.

Sec. 14. That the said corporation shall have power and is authorized to issue bonds, debentures or certificates of indebtedness of the corporation, either coupon or registered, to any amount necessary, not exceeding thirty-five thousand dollars per mile for every mile of track completed or owned by said corporation, and to secure their payment by executing a mortgage or mortgages or deeds of trust upon any or all of its property and the franchise of said corporation on such terms as the directors may prescribe, and such conveyances, when registered in the counties in which said property is situated, shall constitute lien upon the franchise of said corporation and all of its property in the counties in which such mortgage or mortgages are registered; and said corporation shall also have power to guarantee the payment of principal and interest of the bonds of other corporations.

May guarantee bonds of other corporations.

Passengers and freight.

Sec. 15. That said corporation shall have the right to transport and carry passengers and freight over and along its said lines and branches, and mail and express matter, and to charge such fares and tolls for the same as may be prescribed by the board of directors, not inconsistent with the law, and to fix rates for the use or service of its telegraph or telephone lines, not inconsistent with the law, and to do any and all things necessary or expedient for the proper management of said corporation as usually exercised or performed by railroad companies; and to purchase and hold stock in, merge or be merged with any other railroad company, transportation lines, whether operating by land or water, express, telegraph or telephone companies or other corporations, or may purchase and lease the same and operate the same, or contract with such company or corporation for the transportation of passengers, freight or messages.

Telegraph and telephone lines.

May hold stock in other railroads, etc.

Meetings.

Sec. 16. That the stockholders shall provide in the by-laws for their regular meetings, but directors' meetings may be held at any time or place, either in or out of the State, as the directors or a majority of them may determine, and the stockholders shall not be individually liable for the debts or other obligations of the corporation. The location of the principal office of the said company shall be determined and fixed by the board of directors. The board of directors named in the original charter shall serve until the next annual meeting of the stockholders.

Individual liability restricted.

Present management.

Election of directors.

Sec. 17. That the stockholders of said company or a majority in interest of the same shall annually select from their number not less than six nor more than nine directors of said company, who shall hold their offices one year and until their successors are elected

and qualified; and the directors chosen at such meeting and annually thereafter shall elect a president, vice-president, secretary, treasurer and such other officers as may be provided for in the by-laws of said company, who shall hold their offices until their successors are elected and qualified; and said directors shall have authority to fill any vacancy occurring in any of said offices by death, resignation or otherwise. In all elections or votes by the stockholders each share shall be entitled to one vote. The meeting of said stockholders and directors shall take place at such times and places as may be provided for in said by-laws. Election of officers. Voting power.

Sec. 18. That the organization of said company having been perfected under the charter acquired by virtue of chapter 49 of The Code, and the by-laws having been adopted and officers having been elected, no notice of the first meeting shall be given or required, and said organization is hereby ratified and confirmed; and the by-laws heretofore adopted by the stockholders shall remain in full force and effect except as herein amended, but said by-laws or any by-laws hereafter adopted may be amended by the board of directors whenever in their discretion the needs of the company may demand the same. No notice of first meeting.

Sec. 19. That the powers, rights, privileges and franchises acquired by said company under the charter granted it by virtue of chapter 49 of The Code, except as herein amended, be and the same are in all respects ratified and confirmed. Former rights, etc., ratified.

Sec. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 230.

AN ACT TO INCORPORATE THE CURRITUCK COUNTY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Alonzo Hampton, P. H. Flora, N. N. Hampton and S. M. Beasley, their associates, successors and assigns, are hereby created a body politic and corporate with perpetual succession, under the name and style of "The Currituck County Railway Company," and under that name may sue and be sued in any court in the State of North Carolina; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise any real, personal or mixed estate, and lease or sell the same as the interest of Incorporators. Body politic. Corporate name. Powers.

Mines, forests, etc. Branch roads. By-laws.

the company may require; may acquire, own, operate or lease any quarries, mines, forest, lumber-yards or furnaces; may build branch roads from any point of its main line not exceeding twenty-five miles in length; may change the name of said company by a vote of a majority of the stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law.

Capital stock. Shares. Payment of subscriptions.

Sec. 2. That the capital stock of said company shall be one hundred and twenty-five thousand dollars; said stock may be issued in preferred or common stock, or both, in shares of one hundred dollars each; said capital stock may be subscribed and paid for in money, lands, mines, mineral properties, materials, bonds, timber, labor or otherwise, as may be agreed upon between the president and directors of said company and the subscriber.

Subscription books. When to begin business. First meeting. Directors. Officers.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators or any of them acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that as soon as ten thousand dollars has been subscribed for *bona fide* to the capital stock, the said company shall be authorized to commence operations and exercise all the rights, powers, privileges and franchises granted by this act, and said corporators, acting in person or by proxy, shall be authorized to call a meeting of stockholders for the purpose of organization at such place as they may deem advisable, giving ten days' notice thereof at the court-house door and four other public places in said county; that at such meeting and at each annual meeting thereafter a board of not less than five directors shall be elected by the stockholders; that said board of directors shall hold office for one year and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

Subscription books.

Sec. 4. That after the organization of said company the president and board of directors may from time to time open books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may prescribe.

Individual liability restricted.

No stockholder shall be responsible for any amount greater than his unpaid subscription.

May build and operate railroad. Freight and passengers. Route.

Sec. 5. That said company shall have the power to locate, construct, equip, maintain and operate, by electricity or steam, a railroad for the transportation of freight and passengers from some point in Currituck County, on the line between North Carolina and Virginia, to or near Point Harbor in the southern end of said county, as shall be determined by said board of directors. Said company is authorized and empowered to begin work on any part of

its line, and upon the completion of any portion or section thereof, to maintain and operate the same with all the rights and powers conferred in this act.

Route.

Sec. 6. That said company may build its said railroad and branch roads by such routes as may be deemed most advantageous and expedient, and it shall have all the powers and privileges granted in Volume I, chapter 49 of The Code.

Connection, etc., with other roads.

Sec. 7. That said company shall have the right to cross at grade, or over or under, intersect, join or unite its railroad with any railroad now built or constructed or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turnouts, sidings, switches and other conveniences; and also to unite its railroad at its terminus on the Virginia line with any railroad within the State of Virginia.

Condemnation of land.

Sec. 8. That when any right of way is required by the company for the purpose of constructing its railroad and branches, and for want of agreement or for any cause it cannot be purchased from the owner, the same may be condemned as provided in chapter forty-nine of The Code of North Carolina, to the extent of fifty feet on each side of the track of the railroad, measuring from the centre of the same. And the company shall have power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place.

Lease or sale to other roads.

Sec. 9. That this corporation shall have power to lease or sell any railroad that may be constructed by it, with its franchises, to any other railroad company directly connected with it, and any other such railroad company shall have the power to lease or buy from this corporation any such railroad that may be constructed by it: *Provided,* that nothing in this act shall be construed to empower this company to consolidate with any competing line of railroad.

May borrow money, issue bonds, etc.

Sec. 10. That this company shall have the right to borrow money when so authorized by its board of directors in general or special meeting assembled, and to issue bonds or other evidences of indebtedness, and to secure the same by mortgage or deed of trust of its property, franchises and effects or otherwise.

Operation of part of line.

Sec. 11. That the said company may begin work on any part of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company; that it may, under such purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any road as a link between different portions of its own line.

Elections in counties, etc.

Sec. 12. That upon presentation in writing, signed by one-fourth of the qualified voters, to the Board of Commissioners of said

county, requesting said Commissioners to submit to the qualified voters of said county or of any township where said petitioners may reside and through which said road shall run, a proposition to subscribe a definite sum named in said petition to the capital stock of said railway company, the Board of Commissioners shall order an election to be held within thirty days at the various polling places of said county or township, and submit to the qualified voters thereof the question of subscribing to the capital stock of said railway company the amount specified in said petition, at which election those in favor of said subscription shall vote "For Subscription," and those opposed thereto shall vote "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for election of members of the General Assembly by the general election laws of the State of North Carolina.

Ballots.

Elections, how governed.

Powers of county commissioners.

Sec. 13. That for the purposes of this act all the townships along the line of railway, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act. The County Commissioners of said county are declared to be the corporate agents of the townships so incorporated.

Subscriptions by counties, etc.

Issue of bonds.

Sec. 14. That to provide for the payment of said subscriptions the Board of Commissioners of said county shall issue to said railway company, in exchange for an equal amount of stock therein, coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for twenty-five years and bear interest at the rate of not more than six per centum per annum, payable semi-annually at some suitable depository designated by said Board of Commissioners.

Special tax.

Sec. 15. That in the event said county or any of said townships shall vote for said subscription, for the payment of which bonds shall have been issued as provided for in this act, the county authorities of said county, legally empowered to levy taxes, shall, in addition to the other taxes levied in said county or townships, annually compute and levy at the time of levying other taxes, a sufficient tax upon the property and polls of said county and township to regularly and promptly pay the interest on the bonds of said county and townships issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax upon the property and polls of said county and townships equal at least to one-twenty-fifth of the aggregate amount of said bonds, for a sinking fund to provide for the retiring of said bonds at maturity; and the taxes levied as aforesaid shall be annually collected as other

Levy and collection.

taxes and paid over by the Sheriff or collecting officer to the County Treasurer or such other officer as said Commissioners shall designate, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept separate and distinct from each other and from all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used annually in purchasing the identical bonds to pay the principal for which it was levied and collected, if possible, but if it is impossible to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by said Commissioners, and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of said bonds.

Special tax fund kept separate.

Application.

Sinking fund.

Sec. 16. That the powers and privileges granted in this act shall not be deemed forfeited by non-user: *Provided,* said corporation shall be organized within three years after the ratification of this act.

Time allowed for organization.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 231.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OXFORD, BEING CHAPTER 21 OF THE LAWS OF 1885.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the town of Oxford shall have power to construct a system of water-works for said town of Oxford, and may construct a line of pipes along or across any street of the said town, and may condemn land, water and riparian rights and water-sheds when necessary, and when a price cannot be agreed upon upon which to erect a stand-pipe and a pumping station, either in or outside the town of Oxford, or when it may be necessary to lay a pipe line across any private property within or without the town of Oxford, or to establish a reservoir for the use of said town.

May construct water-works.

Condemnation of land.

Sec. 2. That the said Board of Commissioners shall have power to construct a system of sewerage for the town of Oxford, and to protect and regulate the same by adequate ordinances, and if it shall be necessary, may run their pipe lines along and across any of the streets of the town, and if no agreement can be made for

Sewerage system.

running the same across any private property, or for obtaining an outlet to the said system from said town, then they may condemn the lands necessary to be used for such purposes.

Condemnation of land.

May require persons to connect with sewer.

Sec. 3. That the Board of Commissioners may require all persons on a line of sewer to connect their premises with said sewer with proper fittings and plumbings.

Sewer rental, collection of, etc.

Sec. 4. That the said Board of Commissioners may charge and collect a sewer rental in such a reasonable amount and collectible at such periods as it may prescribe for the use of said sewer, said rental to be based on the number of sinks, closets, etc., connected with the sewer, and in case the rental is not paid when due it shall become a lien on the property with which connections are made, and may be collected in the same way as unpaid taxes, and with the same costs and penalties.

Condemnation proceedings.

Sec. 5. That in all cases when no agreement can be made for any land which may be needed for any of the purposes mentioned in this act, or for any rights of way or other easements herein enumerated, the same shall be condemned under the same rules and regulations prescribed for the opening of streets in section forty-two, chapter 21 of the Laws of 1885, being an act to charter the town of Oxford, N. C.

Chapter 21, Private Laws 1885.

Tax on telephone companies.

Sec. 6. That subsection ten of section thirty-two, chapter twenty-one of the Laws of 1885, be amended as follows: By adding after the word "company" and before the word "doing" in line two, the words "telephone company."

Sec. 7. This act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 232.

AN ACT TO BE ENTITLED "AN ACT TO AMEND CHAPTER ELEVEN OF THE PRIVATE LAWS OF 1895, INCORPORATING THE SOUTHERN STOCK MUTUAL INSURANCE COMPANY OF GREENSBORO."

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That section 4 of chapter eleven of the Private Laws of 1895, be stricken out and the following be inserted in lieu thereof:

Regulation of reserve funds, etc.

"That after paying all losses and expenses and setting aside such amounts for a re-insurance reserve as is required by law, and setting aside such amounts as may be decided upon by the directors for a reserve fund for the benefit of the guarantors, the balance, if any,

shall be disposed of as provided by the by-laws, and the said corporation shall have the right to re-insure policies of insurance and guarantee the policies and contracts of other companies."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 233.

AN ACT TO INCORPORATE THE VIRGINIA AND CAROLINA SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That A. W. McLean, R. D. Caldwell and N. A. McLean of Lumberton, North Carolina, J. F. L. Armfield of Fayetteville, North Carolina, W. M. Whaley and R. S. Cohn of Norfolk, Virginia, and E. A. Armstrong of Camden, New Jersey, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body corporate and politic, and to exist for the term of sixty years under the name and style of the "Virginia and Carolina Southern Railroad Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, gift or in any other way real or personal property and holding, leasing, conveying or of dealing with the same, and for the purpose of enabling the corporation to do all the things and acts necessary for its purpose it is hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter 49 of The Code of North Carolina, entitled "Railroad and Telegraph Companies," and amendments thereto, and to make ordinances, by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority, for the management of its estate, and for the due and orderly conduct of its affairs.

Incorporators. Body politic. Corporate name. Powers. By-laws, etc.

Sec. 2. That the said company, upon its organization as hereinafter provided, shall have power to survey, lay out, construct, equip, maintain and operate by steam, electricity or any other motive power, a railroad with one or more tracks, and telegraph and telephone lines from the town of Lumberton, in the county of Robeson, to some point on the main line or any branch line of the Atlantic Coast Line Railroad Company, in the county of Robeson, State of

May build railroad, telegraph and telephone lines. Route.

North Carolina, and from said Atlantic Coast Line Railroad Company to any point in the State of North Carolina that may be agreed upon by the board of directors of said company, and also have power to survey, lay out, construct, equip, maintain and operate, by steam or any other motive power, one or more lines of railroad from either of the above named points to the Cape Fear River, in Bladen County, or from any point along its main line to any point within the State of North Carolina or South Carolina or any other State by complying with the laws of the States into which it may extend its line. The said company shall also have power to connect its tracks with any other railroad company now chartered or that may hereafter be chartered, and to lay down and use tracks through or into any town or city along its proposed lines by and with the consent of the corporate authorities of such city or town.

Connection with other roads, etc.

Capital stock.

Shares.

Increase.

Voting power.

Quorum.

Organization.

Payment of subscriptions.

Individual liability restricted.

Forfeiture of stock of delinquents.

Sec. 3. The capital stock of said company shall not be less than twenty-five thousand dollars nor more than five hundred thousand ($500,000) dollars, to be divided into shares of one hundred dollars each, and may from time to time increase between the minimum and maximum limits hereby provided as the stockholders thereof may determine. The holder of stock in said company shall in all meetings of the stockholders be entitled, either in person or by proxy, to one vote for each share of stock held by him, and the majority of the stock shall constitute a quorum at all meetings of the stockholders. As soon as the minimum amount above provided shall have been subscribed the said company may organize. Subscriptions to the stock may be made in money, land or other property, in bonds, stocks, credits, contracts, leases, options, mines, mineral, right of way and other rights and easements, labor or service, upon such terms as may be agreed upon or provided by the subscribers and board of directors of the said company, and there shall be no individual liability upon takers or holders of said stock beyond the unpaid subscriptions thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscription when it becomes due, as required by the board of directors, said board may declare his stock forfeited, as well as the previous payments thereon, to the use and benefit of said company, but before declaring it forfeited the said stockholder shall have served upon him a notice in writing, in person or by deposit of said notice in the post-office with the postage paid, directed to him at the post-office near his usual place of abode, or to the post-office address as given opposite his name to the subscription paper, and state that he is required to make such payments within sixty days from the date of such notice, at which time and place as is named thereon, and at the expiration of the said period of sixty days, if the subscription is still in default, the board of directors may exercise the power of forfeiture above conferred.

Subscription books.

Sec. 4. The corporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without the State, as any such majority may fix, and with or without notice, as such majority may determine, and to keep the same open for such time and under such conditions, rules and regulations as they the said majority may deem necessary or expedient, and the said corporators, or a majority of them, and as they the said majority deem proper, after ten days' notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, may call together the subscribers to the said shares of stock at any place within or without this State, and the said subscribers, or such of them as shall attend or send proxy, may then complete the organization of said company by electing a board of directors to consist of such members as they may determine, which board shall not be less than three nor greater than twelve, and such other officers as may be provided for, to be elected at the stockholders' meeting by the by-laws hereinafter provided for, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of the said company may prescribe to be elected by the board of directors, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to complete the organization of the said company and to carry into effect the objects of this act, and to enable them to perfect their organization they are hereby invested with and may enjoy all the rights, powers, liberties, privileges, immunities and franchises pertaining to corporations under the general laws of the State.

Organization.

Directors.

Officers.

Annual meeting of stockholders.

Sec. 5. The annual meeting of the stockholders shall be held on such day or days as is or may be prescribed by the by-laws, or if none be prescribed, then on such day as the stockholders may in a general meeting from time to time appoint, or in the absence of such appointment by the stockholders, on such day as the board of directors may designate and at such place within or without the State as shall be fixed from time to time by the board of directors. Notice of the annual meeting and of special meetings of the stockholders shall be published in some newspaper published in the county where the meeting is to be held, once a week for two successive weeks: *Provided*, if there is no newspaper published in the said county it shall be published in a newspaper within the Judicial District, and in addition to the above notice for a stockholders' meeting, a notice in writing shall be sent to each stockholder by the secretary of the company in the way and manner provided for in the by-laws.

Notice of annual meeting.

Proviso.

Call meeting of stockholders.

Sec. 6. A general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders

holding together one-tenth of the capital stock, upon their giving a notice, as provided for in section 5, of the time and place of such meeting for at least ten days before the said meeting. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Election of directors.

Sec. 7. An election of directors shall be by ballot and shall be held at the annual meeting, unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in the directory during the time for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their board or from among the stockholders, in such manner as the regulations of the company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. There shall be a secretary and treasurer elected by the board of directors, and may be one and the same person. In the absence at any meeting of the board of directors of the president and vice-president, or of the secretary, the board may appoint a president and secretary *pro tempore*. The board of directors shall have authority to adopt by-laws for the government of the corporators, subject, however, to amend or repeal by the stockholders.

Election of officers.

Powers, duties, etc.

Certificates of stock.

Sec. 8. The company shall issue certificates of stock to its members, and the stock may be transferred in such manner and form as may be prescribed in the by-laws of the company.

Purchase or lease of other railroads.

Sec. 9. That the said company may have power to take by purchase, lease or otherwise the railroad, franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It may assign or lease its property and franchises, or any part thereof, to any other railroad company incorporated by the laws of this or any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing and purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act, and the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company shall have power to consolidate, merge or pool its capital stock with any other corporation chartered

Sale or lease to other railroads.

Consolidation with other railroads.

by the laws of this or any other State, and may lease or be leased, operate or be operated by such corporation by and with the consent of a majority of the stockholders of the respective corporations voting separately, and the consolidated corporation will become a new corporation under any name to be designated by the terms of the agreement, and a certified copy of the agreement shall be filed in the office of the Secretary of State, and shall be taken to be the agreement and act of consolidation of said corporation, and a copy of said agreement and act of incorporation, duly certified by the Secretary of State under his seal, shall be evidence of the existence of the new corporation, and the new corporation is hereby invested with and shall have and possess all the corporate powers, rights and privileges and be subject to all the duties and liabilities of the railroad incorporated by this act, together with all the property, powers, rights and privileges contained in the charter of the company or companies with which it becomes consolidated or merged, and such consolidated company may from time to time increase its capital stock to any amount that the stockholders of the consolidation may by a majority vote determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds or credits of any other corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the stock, bonds or credits of this company, and the company shall have power to represent its capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on its road and for the transmission of messages or use of its telegraph and telephone lines on any such section of its road or lines.

Copy of agreement to be filed with Secretary of State.

Increase of capital stock.

Subscription to stock of other corporations.

Operation of part of lines, etc.

Sec. 10. The company shall have right and power, when necessary or convenient, to construct their said road across any public road or street at such point as may be determined, or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have the power to construct dams, culverts, trestles, bridges over and across streams, valleys or depressions, and to cross any navigable stream or canal on its road. It shall likewise have the right to cross at grade or over or under any other railroad constructed, or that may hereafter be constructed, at any point on its road, and to intersect, join or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turnouts, sidings, switches and side-tracks and any other conveniences in furtherance of its

Crossing public roads, etc.

Proviso.

Crossing other railroads, etc.

object of construction, and may, in making intersection or connection with any other railroad, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

Condemnation of land.

Sec. 11. Whenever for any cause this company is unable to agree with the owners of land over or near which it proposes to extend its road, for the purchase of such land for its depots, road-beds, quarries or other purposes of the company, the said company may file a petition before the Clerk of the Superior Court of the county in which the land lies, stating the object for which the land is desired, with a description and plot thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the Clerk, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the hearing of the same by the Clerk in the manner provided for by law, and in the event that any of the persons interested in said cause are unknown or non-residents of this State, such notice may be served by advertisement in the same way and manner as provided in the general law for the service of notice on non-residents, and such advertisement shall state briefly the object of the application and give a description of the land to be taken.

Procedure.

Petition.

Notice.

Appointment of appraisers.

The Clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the Sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later date be fixed by consent, to assess the damages. The appraisers shall take into consideration the actual value of the land, together with the damage to the residue of the tract beyond the peculiar benefits to be derived in re-assessment, which shall be of the fee-simple value of the property proposed to be taken by the company. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the Register of Deeds, after being approved by the Clerk, and payment of the damages assessed by the appraisers and proven by the Clerk, of the parties interested, shall have the force and effect of an easement for such property to the company. Either party may appeal to the Superior Court, in term, from the approval or disapproval of the Clerk: *Provided,* such appeal be prayed within ten days from the approval or disapproval of the Clerk, and in such appeal may present such evidence as they may desire, and the trial shall be *de novo* in the court, but the burden of proof shall be upon the party objecting to the finding of the appraisers. If the said company shall pay to the parties or into court the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of appeal, until final judgment is rendered on such appeal,

Assessment of damages.

Report.

Right of appeal.

Proviso.

Burden of proof.

Appeal not to delay work, when.

and the appellant or owner of the premises shall not be entitled to an injunction, restraining order or other process that would hinder, delay or obstruct the work. In the event that the true owner of the property taken as above mentioned is not notified as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for an assessment of the value thereof, but no action of ejectment shall be brought by him nor the occupation or possession of the company in anywise disturbed, unless within the time to be fixed by the courts it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

True owner not notified; procedure.

Proviso.

Sec. 12. The right of said company to condemn or take land under this act shall be limited to a space of fifty feet on each side of its road-bed, measuring from the middle line of the same, except in case of deep cuts or high embankments, when the said company shall have a right to condemn as much in addition thereto as may be necessary for the construction of its road, and except, also, that if for depots, warehouses, stations, station grounds, shops or yards, gravel-pits, quarries or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Right to condemn limited.

Sec. 13. That it shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any time upon all lands and waters for the purpose of exploring, surveying and locating its line or lines upon the same and of making a plot or plots thereof.

May enter land to survey, etc.

Sec. 14. That any county, township, city or town along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities or other property in the following manner: Upon the presentation of a petition in writing, signed by not less than ten per centum of the registered voters of the county, township, city or town, to the Board of Commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city, town or township where such petitioners may reside, a proposition to subscribe a definite sum, to be named in said petition, and whether in money, bond or otherwise to the capital stock of the company, the Board of Commissioners of said county or proper authorities of said city or town shall, within thirty days, order an election to be held in such county, township, city or town, and submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company the amount specified in the petition,

Counties, etc., may subscribe to capital stock.

Petition for election.

Election ordered.

at which election all those qualified to vote who are in favor of such subscription and who shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of county, township, city or town officers by the general election laws of the State. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house door of such county and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or to the proper authorities of the said city or town. If a majority of the qualified voters shall vote for subscription, then the Board of Commissioners of said county or proper authorities of said city or town shall meet and make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than $500 and not more than $1,000, and each shall run for such number of years and bear such rate of interest not exceeding the rate prescribed by law as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the Board of County Commissioners and by the clerk of the said board, witnessed by the official seal thereof, and if issued by a city or town they shall be signed by the Mayor and Treasurer of such city or town, witnessed by their official seal.

Ballots.

Election, how governed.

Notice.

Returns.

Subscription by county commissioners, etc.

Issue of bonds.

Execution of bonds.

Special tax.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy other taxes, shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year at the time of levying their other taxes a sufficient tax upon the property and polls of said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: *Provided*, in levying the said tax they preserve the equation between property and polls prescribed by the Constitution of the State. That the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officers of such county, township, city or town to the Treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct

Levy.

Proviso.

Collection.

from all other taxes and shall be used for the purpose for which they are levied and collected and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of the county issuing the said bonds, or in which there is a township issuing the said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the property, rights, franchises, or any part thereof, of this company are hereinafter acquired under the provisions of this act by any other company, the Board of Commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Investment of sinking fund.

Proviso.

Transfer of subscription to stock.

Sec. 16. For the purpose of this act all townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of this company as provided by this act shall be and are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The County Commissioners of the respective counties in which any such township is located are hereby declared to be corporate agents of the said township so incorporated and situated within the limits of said counties respectively, for the purpose of issuing the bonds of the said township or townships and providing for the levying and collecting of taxes on property and poll to pay the principal and interest of said bonds and to provide a sinking fund as herein above mentioned, and the said Board of County Commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or they may appoint an agent or proxy therefor. All provisions contained in any town charter in conflict with the provisions of this act are hereby repealed, so far as they are in conflict with this act.

County commissioners, etc., powers and duties of.

Conflicting laws repealed.

Sec. 17. It shall be lawful for this company to issue coupons or registered bonds in such denominations and running for such time and bearing such rate of interest and payable at such time and

This corporation may execute bonds, mortgages, etc.

place as the board of directors may direct, and to secure the payment of the same said company is authorized to execute one or more mortgages or deeds of trust to such persons or corporations as it may select, on all or any part of its real or personal property, franchises and privileges, or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all and any part of its franchises, and in such manner as the company may direct, and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in such mortgage or deed of trust. This company may, by the action of the stockholders or through its board of directors, sell, hypothecate or otherwise dispose of the bonds authorized by this section to be issued, or any part of its stock, bonds or mortgages.

Sale, etc., of stock, bonds, etc.

Working of convicts.

Sec. 18. The board of directors of the Penitentiary of this State, or any other State into which this company may extend its lines, may, upon application of the president of this company, approved by the Governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of the State Board, not more than two hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by authorities of the Penitentiary and to be hired to said company as is now or may hereafter be provided by law.

Individual liability restricted.

Sec. 19. The stockholders of this company or private individuals or corporations, public, private or municipal, shall not be personally liable for the debts of the company.

Time allowed for organization.

Sec. 20. This act shall not be forfeited by non-user: *Provided*, that the said company shall be organized within five years from the ratification of this act.

Sec. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 234.

AN ACT TO AUTHORIZE THE TOWN OF MILTON TO ISSUE BONDS FOR THE PURPOSE OF REFUNDING THE DEBT OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Commissioners of the town of Milton be and they are hereby authorized to issue coupon bonds in such denominations and form as they may determine, to an amount not exceeding seven thousand dollars, for the purpose of paying or refunding the bond issue by said town for subscription to the capital stock of the Milton and Sutherlin Narrow-gauge Railroad, authorized by chapter 32 of the Public Laws of 1876-'77. Issue of bonds. Amount; purpose.

Sec. 2. Such bonds shall be payable fifty years after date, and shall bear coupons for interest at rate not exceeding six per cent. per annum. Term of bonds. Rate of interest.

Sec. 3. Said bonds when issued shall be used in paying off and extinguishing the bonds mentioned in section one of this act, and may be exchanged for said bonds at par. Application of proceeds.

Sec. 4. That in addition to the taxes for town purposes the Commissioners of the town of Milton shall annually levy and collect a sufficient tax to pay the interest on the bonds hereby authorized and to establish a sinking fund sufficient to pay said bonds at maturity. Special tax. Sinking fund.

Sec. 5. This act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 235.

AN ACT TO INCORPORATE "THE FURNITURE AND MECHANICS BANK" OF HIGH POINT, N. C.

The General Assembly of North Carolina do enact:

Section 1. That M. J. Wrenn, Ed L. Ragan, W. P. Ragan, R. R. Ragan, J. R. Williams, J. E. Kirkman, J. W. Harris, Percy V. Kirkman, C. F. Long, O. A. Kirkman and S. J. Lowe, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "Furniture and Mechanics Bank" of High Point, North Carolina, with its principal place of business in the city of High Point, N. C., and by that name may sue and be sued, plead and be impleaded in any court in the Incorporators. Body politic. Corporate name. Principal office. Powers.

Term. State, and have a continual succession of the term of sixty years, with all the rights, powers and privileges of corporations and banks under the general laws of this State.

Capital stock. Sec. 2. That the capital stock of said corporation shall not be
Shares. less than $25,000, in shares of $100 each, and such capital stock may be increased from time to time as said corporators may elect,
When to begin business. to a sum not exceeding $100,000, and thirty (30) per cent. of said capital stock shall be paid in before organization.

Subscription books. Sec. 3. The corporators named in the first section of this act, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the organization of said corporation may at their discretion from time to time reopen books of subscription to said capital stock until the same
Married women, minors, corporations, etc., may subscribe for stock. as herein limited be wholly taken. That any individual, corporation, co-partnership, company, *feme covert*, or minor, shall have the right and the same is hereby given it or them to subscribe for and take
Individual liability restricted. stock in this corporation. No stockholder shall be liable for the debts of this corporation after they shall have paid in the par value of the stock held by it or them, and shall in no event be held accountable either to the bank or its creditors for any sum beyond the par value of said stock so purchased and held by it or them, except as hereinafter provided. The stockholders of this bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of this bank to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

First meeting. Sec. 4. Whenever $25,000 shall be subscribed to the capital stock of said corporation, the above named corporators, or a majority of them, shall call a meeting of the subscribers to the said stock at such time and place and on such notice as they may deem sufficient
Election of directors. to organize said corporation. And such stockholders shall elect such directors as they may deem proper, who shall hold office for one year and until their successors shall be chosen, and said directors
Election of officers. shall elect a president to serve during their continuance in office.

Powers and duties. Sec. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may choose and appoint all necessary officers and agents and an attorney, and fix their compensation and require such bond of officers and agents as they may deem proper, and shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation, consistent with the by-laws established by the stockholders. They may regulate the terms and rate on which discounts and loans may be made and deposits received, not inconsistent

with the laws of the State, and when dividends of the profits and the amounts thereof shall be made and declared, and fill any vacancies occurring in their own body and among the officers and agents of said corporation. They may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote. Voting power.

Sec. 6. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches, may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon at fixed rates according as may be agreed between the corporation and its depositors, and the board of directors are hereby fully authorized to make all needful rules and regulations for conducting and carrying into effect the different features of this branch of this corporation. Savings bank business. Powers. Rules and regulations.

Sec. 7. The said corporation shall have the right to do a general banking business; to receive deposits, make loans and discounts, to obtain and procure loans for any person, company, corporation or co-partnership; to invest its own money or the money of others; to lend or invest money in or upon the security of mortgage, pledge, deed of trust or otherwise on any land, hereditaments or personal property or interest therein of any description, situate anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, rates, choses in action, or any and all negotiable or commercial paper, or any crops or produce whatever, or any stock, bullion, merchandise or other personal property, or to sell or otherwise dispose of the same, and to charge any rate of interest on all such loans not exceeding the rate allowed by law. General banking business. Powers.

Sec. 8. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds or debentures, or may subscribe to, purchase, acquire or lend money upon the securities of any government, State, municipality, corporation, company, co-partnership or person. May take stock in other corporations, etc.

Sec. 9. That the said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipal corporation, company or individual on such terms as to the agency and commissions as may be agreed upon in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, county, town, municipal corporation, company or person bonds, certificates of stock of any description or property, real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premium, commissions or rate of compensation as may be agreed, in and for any other matters and things authorized by this section. May act as agent, trustee, etc.

May hold real property, etc.

Sec. 10. That said corporation may purchase and hold all such real and personal property as may be necessary for its own business purpose, and such as may be conveyed to it to secure or satisfy any debt due it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation or sold under execution or order of any court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure and use or re-invest the proceeds thereof as may be deemed best.

May purchase at its own foreclosure sale.

Deposits of married women and minors.

Sec. 11. That when any deposit shall be made by any person being a minor or *feme covert*, the said corporation shall pay to such minor or *feme covert* such as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability thereof.

Safety deposit business.

Sec. 12. That the said corporation be and it is hereby authorized and empowered to receive and keep on deposit all valuables, gold, silver or paper money, bullion, precious metals, jewels, plates, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind, or any other article or thing whatsoever which may be left on deposit for safe-keeping with said company, and shall be entitled to charge such commissions or compensation as may be agreed upon; and for the complete preservation and safe keeping thereof may construct, erect or purchase fire and burglar-proof buildings, vaults, safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping or preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital stock or funds of said corporation or such money or funds as may be deposited with said corporation for that purpose from time to time in the stocks, bonds or other securities of the United States, of this or any other State of the United States, or of any other corporation under the laws thereof, or any other stock or property whatsoever, and to dispose of the same in such manner as may appear to said corporation most advantageous.

May act as trustee, executor, guardian, etc.

Sec. 13. That the said corporation be and is hereby authorized and empowered to accept and exercise any trust of any and every other description which may with its consent be committed or transferred to it by any person or persons whomsoever, by any bodies corporate or public, or by any court of the State of North Carolina or the United States or any of the States of the United States, and to accept the appointment and office of executor or administrator or trustee or assignee of any kind or nature, whenever such office or appointment is made or conferred by any person or persons, or by any court of competent jurisdiction of this State, or any one of the United States, or of the United States; and in all cases where

application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian of any minor or committee of a lunatic, it shall and may be lawful for such court to appoint the said company, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and any person shall appoint the said company executor of his or her will, or any court shall appoint the said company a receiver, trustee, administrator, assignee, guardian or committee or shall order the deposit of any money with the said company, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance as such executor, administrator, trustee, assignee, guardian or committee, and shall be absolutely liable for any default, and in addition thereto the court shall require the said company to give such other and additional security as is now required by law in such cases, and the court may, if deemed necessary, examine the officers of the company under oath or affirmation as to the sufficiency of its capital stock as such security. The accounts of said corporation as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be regularly adjusted and settled before such court or officer as shall have jurisdiction thereof, which said court or officer shall, upon such adjustment and settlement being made, allow to said company all proper and legal and customary costs, charges, expenses and commissions for its care and management of the trusts and estates aforesaid, and shall charge the said company with interest not exceeding six per centum per annum whenever the said company shall be liable for or chargeable with interest as such receiver, trustee, executor, administrator, assignee, guardian or committee, or upon money deposited therewith as aforesaid. The said company as such receiver, trustee, executor, administrator, assignee, guardian or committee, shall be subject to all lawful orders and decrees made by the proper tribunal under the laws of this State.

Security.

Subject to orders of court.

Sec. 14. Any receiver, executor, administrator, assignee, guardian or committee of a lunatic, and any public officer, State and County Treasurer are hereby authorized to deposit with the said company for safe-keeping any money or bonds, stocks, securities or other valuables, which have or may come into his possession or under his control of his said office or appointment aforesaid: *Provided*, that this provision shall be printed on each certificate of stock issued.

Depository for trust funds.

Proviso.

Sec. 15. That the stock of this corporation held by any one shall be transferred only on the books of the company, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors of the corporation if he be indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged, and for all such indebt-

Transfer of stock.

edness said corporation shall have a lien superior to all other liens upon stock of said stockholders.

Conflicting laws repealed.

Sec. 16. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 236.

AN ACT FOR THE RELIEF OF MISS ZERAH FOOTE.

The General Assembly of North Carolina do enact:

Payment for services as teacher authorized.

Section 1. That the Treasurer of Wilkes County be and he is hereby authorized, empowered and directed to pay Miss Zerah Foote of Wilkes County the sum of sixty-eight dollars and twelve cents ($68.12), out of any public funds that may now be or hereafter come into his hands, for services rendered by her as a teacher in public school (white race) in District No. 3, Antioch Township, Wilkes County, in the year 1902.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 237.

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, WAKE COUNTY, N. C.

The General Assembly of North Carolina do enact:

Corporate limits changed.

Boundaries.

Section 1. That the corporate limits of the town of Wake Forest shall contain the following described territory, and no other: Beginning at a stone, as centre, in college campus, directly in front of old building known as the dormitory, and eight chains and eighty-three links from same; running thence up centre of Main street N. 30¾ degrees E. forty-seven chains and eighty-three links to the south boundary of Oak avenue; thence along the south border of said Oak avenue to the railroad, and on in the same direct line S. 59¼ degrees east thirty chains, or three-eighths of a mile from centre of Main street to a stone; thence south 30¾ degrees W. 95

chains and 75 links to a stone; thence N. 59¼ degrees W. 60 chains, or ¾ mile, to a stone; thence north 30¾ degrees E. 96 chains and 33 links to a stone; thence south 59¼ degrees east 30 chains, ⅜ of a mile, to centre of Main street, aforesaid south boundary of Oak avenue.

Sec. 2. All acts and parts of acts, in so far as the same conflict with this act, are hereby repealed. Conflicting laws repealed.

Sec. 3. This act shall be in force from and after March 15th, 1903. This act in force, when.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 238.

AN ACT TO ESTABLISH THE FARMERS AND MERCHANTS BANK OF WILSON, N. C.

The General Assembly of North Carolina do enact:

Section 1. That J. D. Farrior, Geo. L. Morgan, J. D. Dawes, and their present and future associates and successors, be and they are hereby constituted a body politic and corporate, and shall so continue for the period of thirty years, under the name and style of "The Farmers and Merchants Bank" of Wilson, N. C., with the capacity to sue and be sued, to maintain and defend actions at law and equity in the corporate name, to take, hold, buy, sell and convey such real estate and personal property as shall be needed to carry on its business and to conduct, transact and carry on a general banking business in the town of Wilson, N. C., in its fullest scope and meaning, with all the powers, rights, privileges and immunities granted unto banks by the laws of the State of North Carolina. Incorporators. Body politic. Corporate name. Powers. General banking business.

Sec. 2. That said bank shall be located in the town of Wilson, Wilson County, North Carolina. Principal place of business.

Sec. 3. That the capital stock of said bank shall be fifty thousand dollars, divided into equal shares of the par value of one hundred dollars per share. Capital stock. Shares.

Sec. 4. That the corporators above named, or a majority of them, are hereby empowered to open books of subscription for said capital stock of said bank at such time and place and for such a period as they shall see fit, and the stockholders at any general meeting called for that purpose may reopen said books of subscription for said capital stock until the total amount authorized shall have been paid in. Subscription books.

Sec. 5. That whenever fifty thousand dollars of said capital stock shall have been subscribed for and paid in, the above named stock- Organization.

First meeting. holders and their present associates shall call a meeting of the stockholders at such time and place and on such notice as they may deem

Election of directors and officers. proper, and such stockholders shall elect directors, at least five in number, who shall hold their offices for one year or until their successors shall have been elected and qualified, and such directors are empowered to elect a president and vice-president of said bank, who shall hold their respective offices during the continuance of the term of the directors so electing them.

Powers. Sec. 6. The said directors and president, who shall be chairman of the board of directors, may adopt and use a corporate seal and alter the same at their pleasure, may elect and appoint all such necessary servants, agents and employees as they shall deem proper and fix their compensation, and take such security for their faithful performance of duty as they shall deem proper, and shall prescribe the manner of paying in the capital stock and the registration and

Transfer of stock. transferring of the same, and may do and carry on a general bank-

Rules and regulations. ing business under such terms and regulations and upon such rates of interest as they may deem proper, not contrary to the laws of the State of North Carolina, and shall have all the rights, privileges and immunities granted unto banks by the laws of the State of

Sale of stock of delinquents. North Carolina. Said bank shall have a lien on the capital stock for the payment of the subscriptions thereof, and shall have the right and power to sell the same for the amount due thereon, first giving thirty days' notice in some newspaper published in the town of Wilson, but no sale of stock for the amount due thereon shall be deemed to release any further amount which may be due thereon, in case such sale shall not be for a sufficient amount to pay the amount due thereon.

Powers. Sec. 7. The said bank shall have the power to receive and pay

Dealing in currency, etc. out the lawful currency of the country, to deal in exchange, gold and silver coin, bullion and current and uncurrent paper and other evidences of debt, and to take such security for the repayment of

Holding real and other property. loans as the proper officers may think proper. Said bank shall have the power to buy, hold and take such real estate and other property as may be conveyed to secure debts due said bank, and may hold to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the purpose of transacting its business and at pleasure sell and exchange the same; may discount the notes and other evidences of debt and lend money upon such terms as may be agreed upon, at a rate of interest in no case to be more than the legal rate of interest in North Carolina,

Interest in advance. which said interest may be taken in advance. It may receive money on deposit, special or general, and upon such terms as its officers

Deposits of trustees, etc. may agree upon. Said bank may take on deposit money in the hands of administrators, executors, guardians, trustees or other person, and may issue certificate therefor, said certificates bearing interest at

such a rate as may be agreed upon, which said certificates shall be assignable and transferable upon such terms as the proper officers may lay down, and all such certificates or other evidences of debt shall be signed by the president or other officers having authority to sign the same, and shall be as binding as if executed under the corporate seal.

Deposits of married women and minors.

Sec. 8. Whenever any married woman or infant shall deposit money or other property in said bank to their own credit or as a trust fund, they may withdraw the same upon their own check or receipt and they shall be bound thereby, and said bank shall be released from any and all liability on account thereof, and such check or receipt shall be a sufficient release and discharge to said bank on account thereof and shall be binding on such married women or infants and all persons claiming under them.

President and vice-president need not be a director.

Sec. 9. The president and vice-president may be or not be a member of the board of directors, as such board may determine, but such president and vice-president must be the owners of at least one share of stock in said bank.

By-laws, etc.

Sec. 10. The stockholders shall have the power to make and prescribe rules and regulations and by-laws as they shall deem best, and shall be individually responsible, equally and ratably and not one for another, for all the contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Individual liability restricted.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 239.

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue for school buildings.

Section 1. That the Board of Aldermen of the city of Charlotte may purchase a lot and erect a building or buildings for school purposes for white children in Ward 4 of the city of Charlotte, and may issue coupon bonds in payment of same not exceeding the sum of fifty thousand dollars.

Amount.

Form and denominations.

Sec. 2. That said bonds shall be in such form and of such denominations and shall be payable at such time and shall bear such rate of interest, payable semi-annually, as the board may determine:

Proviso: submission to qualified registered voters.

Provided, that no debt shall be created and no bonds issued under this act unless the board shall have first passed an ordinance by a three-fourths vote of the entire board, taken and recorded at a regular meeting of the board, submitting the question of creating the debt and issuing bonds to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof.

Question to be voted on in May, 1903.

Sec. 3. That before the said sum of fifty thousand dollars is appropriated for the purpose of buying said lot and erecting said school building or buildings in Ward 4 of said city, or the money paid, a vote upon the question shall be had at the May, 1903, municipal election, in the same manner and under the same rules and regulations in all respects as now obtain in the election of the Mayor and Aldermen of said city, except that those electors voting to allow the appropriation shall each vote a paper ballot upon which shall be printed or written the words "For Appropriation," and those electors voting against the appropriation shall each vote a paper ballot on which shall be printed or written the words "Against Appropriation," and in case a majority of the qualified registered voters shall cast their ballots "For Appropriation," then the said city of Charlotte shall issue bonds in the sum of fifty thousand dollars to purchase said lot and build said school building or buildings.

Election, how governed.

Ballots.

If election favorable, bonds to issue.

Special tax.

Levy and collection.

Sec. 4. That the Board of Aldermen of the city of Charlotte are hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all the taxable property and polls of said city of Charlotte sufficient to pay the interest on said bonds as the same become due, and also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for the same, or to provide for the payment thereof. The said tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and the property to be in proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other tax upon the property and polls of the city.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 240.

AN ACT TO ENABLE THE CITY OF CHARLOTTE TO FUND ITS FLOATING INDEBTEDNESS AND TO AUTHORIZE THE CITY TO LEVY TAXES TO MEET THE SAME.

Whereas, the city of Charlotte has heretofore contracted indebtedness to meet the neeessary expenses to an amount of one hundred thousand dollars, and said city desires to issue long-time bonds in a sum not exeeeding one hundred thousand dollars for the purpose of funding its said indebtedness, and further desires to proeure authority to levy taxes to pay the interest on the bonds so issued and to provide a sinking fund to meet the principal when it shall become due: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the city of Charlotte be and they are hereby authorized to issue bonds to an amount not exeeeding one hundred thousand dollars par value, for the purpose of funding the debt of said city contracted for necessary expenses. Said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, in such form and of such denomination, and may be payable, both prineipal and interest, in gold coin of the United States, payable at such time or times, and said bonds shall bear such legal rate of interest as the Board of Aldermen of said city may determine: *Provided, however*, that the total issue of bonds authorized by this act shall not exceed the sum of one hundred thousand dollars. Said bonds shall be signed by the Mayor, countersigned by the Clerk and Treasurer, and sealed with the corporate seal of the said city, and the coupons (if any) on said bonds shall bear the engraved or lithographed signature of the Clerk and Treasurer. The said bonds shall be sold at publie or private sale, with or without notice, as the Board of Aldermen of said city may determine, for not less than their par value and aecrued interest; and the proceeds of said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the floating indebtedness of the said city contracted for its necessary expenses, and the purchaser of said bonds shall not be bound to see to the applieation of the purchase money. Issue of bonds. Amount. Purpose. Proviso. Execution of bonds. Not to be sold under par. Application of proceeds. Purchaser not to see to application.

Sec. 2. The resolution authorizing the issue of the bonds may be introduced and passed at the same meeting, which meeting may be either a regular or special meeting of the Board of Aldermen, by a majority vote of all the Aldermen present at such meeting. That no other or further proceedings shall be necessary for the issuance of such funding bonds, and all bonds issued in accordance with the provisions of this act shall be valid and legally binding obligations Resolution authorizing issue.

of the said city, notwithstanding any previous acts limiting the amount of the bonded indebtedness of the city or otherwise; and all laws or parts of laws inconsistent with this act are hereby repealed, so far as the same are inconsistent with this act.

Conflicting laws repealed.

Special tax.

Sec. 3. That the Board of Aldermen of the city of Charlotte are hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls of the said city of Charlotte sufficient to pay the interest on said bonds as the same becomes due, and also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for same, or to provide for the payment thereof. The tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and the property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other tax upon the property and polls of the city.

Collection.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 241.

AN ACT TO ALLOW THE TOWN OF LEAKSVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the town of Leaksville be and is hereby authorized and empowered to submit to the vote of the qualified voters of the town of Leaksville, within ninety (90) days after the ratification of this act, the question as to whether or not the town of Leaksville shall issue bonds in a sum not to exceed ten thousand ($10,000) dollars, with interest coupons attached, the proceeds of said bonds to be used for the purpose of repairing, building or paving the sidewalks of the town of Leaksville and for general street improvement; and a part of said funds may or may not, as the said Commissioners may deem best, be used in lighting said town: *Provided*, that at the first election held under this act, should a majority of the qualified voters of said town not vote for bond issue, said Board of Commissioners may continue to call and hold elections in said town at any time they think proper, until a majority of the qualified voters of said town shall vote for bond issue: *Provided further*, that not more than three elections may be held under this act.

Submission to qualified voters question of bond issue.

Amount of bonds.

Purposes.

Proviso.

Proviso.

Sec. 2. That any election held under the provisions of this act shall be held, conducted and results declared in the same manner as is now or may hereafter be prescribed by law for holding elections in the town of Leaksville for the election of a Mayor and Town Commissioners: *Provided*, the returns of said election or elections shall be deposited in the Register of Deeds' office of Rockingham County, and the Commissioners of Rockingham County shall, at their next regular meeting after said election shall have been held, canvass said returns and declare results, and have same recorded in the minutes of their meeting. Election, how governed. Proviso: returns, recording result, etc.

Sec. 3. That at said election the ballots tendered and cast by the qualified voters of said town shall have written or printed upon them "For Street Improvement Bond Issue" or "Against Street Improvement Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Street Improvement Bond Issue," and all qualified voters opposed to the issuing of said bonds shall vote "Against Street Improvement Bond Issue." Ballots.

Sec. 4. That in the event that a majority of the qualified voters of the town of Leaksville shall at said election or elections vote "For Street Improvement Bond Issue," the result shall be declared and recorded as aforesaid, and the Board of Commissioners of the town of Leaksville, as soon as practicable, shall have bonds prepared in such denominations as it may determine, to an amount not exceeding that provided for in first section of this act, and payable at such times and places as the said Board of Commissioners may prescribe: *Provided*, that the time for payment of said bonds shall not be less than thirty years nor more than fifty years. If result favorable, town commissioners to issue bonds. Proviso: term of bonds.

Sec. 5. That the said bonds shall bear interest from date at no greater rate than six (6) per cent. per annum, and the interest shall be made payable annually or semi-annually, as the said Board of Commissioners may prescribe; and said bonds shall in no case be sold, exchanged or otherwise disposed of for less than their face value; nor shall the proceeds derived from the sale of said bonds be used for any other purpose or purposes than those designated and declared in this act: *Provided*, the purchaser or purchasers of said bonds shall not be required to see the application of said funds. Interest rate. Not to be sold under par. Application of proceeds. Proviso: purchaser need not see to application.

Sec. 6. That said bonds shall be signed by the Mayor and Clerk of the Board of Town Commissioners, and sealed with the corporate seal of the town, and shall be numbered consecutively and shall have interest coupons attached thereto and issued with bonds, and said coupons shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due, where payable, and said bonds shall show by what authority they are issued. The said Board of Commissioners shall record all of their proceedings in respect to said bonds in the Execution of bonds. Complete record of bonds, etc., to be kept.

minutes of their meetings, and whenever any of said bonds are sold the number of said bonds and their denominations, to whom sold and the number of coupons attached, must be recorded in said minutes.

Proceeds of bonds payable to town treasurer.

To be kept separate.

Sec. 7. That when any of said bonds are sold the proceeds of such sale shall be paid by the purchaser or purchasers of said bonds to the Treasurer of the town of Leaksville. Said Treasurer shall keep said bonds, and all other funds which shall come into his hands under the provisions of this act, separate and apart from all other funds which may be or come into his hands, and he shall keep separate accounts of same; and said Treasurer shall, before any of said funds are paid to him, be required by said Board of Commissioners to execute a justified bond in any amount that may be, in the judgment of said Commissioners, necessary for the protection, safe keeping and just rendering of said funds; and said Commissioners may require the said Treasurer to increase said bond at any time they may deem it necessary: *Provided*, said bond shall never be less than the amount of funds in the hands of said Treasurer. The condition of said bond shall be for the faithful safe-keeping of any and all funds coming into his hands under the provisions of this act and for rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by the provisions of this act. Said bond shall be payable to the Treasurer of Leaksville, and shall be passed upon by the Board of Town Commissioners.

Treasurer's bond.

Proviso.

Depository for funds designated by town commissioners.

Disbursement of funds.

Sec. 8. That said Treasurer shall keep any and all moneys coming into his hands under the provisions of this act in such bank or banks and on such terms as may be designated by the Board of Commissioners of the town of Leaksville. All orders directed to said Treasurer for the payment of money under the provisions of this act shall state upon their face that they are street improvement orders, and to what account they are chargeable, and shall be signed by the Mayor of said town and Clerk of the Board of Commissioners; and the said Treasurer shall be allowed for the collecting and disbursing of all funds passing through his hands under the provisions of this act, the usual commission allowed said Treasurer for the collecting and disbursing of other public funds belonging to the town of Leaksville: *Provided*, he shall receive no commission for the collection of funds for which said bonds are sold.

Compensation of treasurer.

Proviso.

Special tax to pay interest.

Sec. 9. That in order to pay the interest on said bonds said Board of Commissioners shall annually compute and levy, at the time of levying other taxes, a sufficient specific tax upon all polls and real and personal property and all other subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, observing the Constitutional equation between the tax on polls and the tax on property. That said tax

Collection of same.

shall be kept, when collected, separate and apart from all other taxes and used only for the purpose for which it was levied; and any officer or officers who shall appropriate or use said tax, or any officer who shall sign any fraudulent order on said fund for any other purpose shall be guilty of a misdemeanor.

Sinking fund.

Sec. 10. That for the purpose of creating a sinking fund with which to pay the principal of said bonds when they become due, the Board of Commissioners shall, after the expiration of twenty (20) years from the date of said bond, annually levy and collect, in addition to the interest, a special tax equal in amount to one-twentieth (1-20) of the total amount of bonds issued under this act, and shall continue to levy and collect said tax until said bonds are paid. All moneys levied and collected under this section may be used by the Board of Town Commissioners, if they deem it advisable, in the purchase of any of the outstanding bonds of the town; and if said bonds cannot be purchased to advantage, then said Commissioners may lend out said funds, or any part they think proper, for a period not exceeding six (6) months prior to the date of maturity of said bonds, taking as security for the payment of said loan deeds of trust on real estate or bonds issued under this act.

Special tax for.

Investment of sinking fund.

Town commissioners to improve streets, etc.

Sec. 11. That if a majority of the qualified voters of the town of Leaksville, at any election held under this act, shall vote "For Street Improvement Bond Issue," the result shall be recorded and declared as aforesaid. And the Board of Commissioners of the town of Leaksville shall have full power to carry this act into effect by contract or at the lowest bidder, having the right to reject any and all bids; and if said Commissioners deem it best to grade, build or improve said streets and sidewalks, or any other work authorized under this act, themselves, they shall have power to purchase any and all material, stock, machinery, and employ labor necessary for carrying into effect the provisions of this act; and all necessary expenses incurred by the Commissioners by reason of this act shall be paid out of funds arising under this act.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 242.

AN ACT TO INCORPORATE THE SAVINGS BANK AND TRUST COMPANY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. T. Old, G. W. Ward, E. F. Aydlett, J. B. Blades, C. H. Robinson, C. W. Grice, P. H. Williams, C. W. Melick, W. E. Dunstan, their associates, successors and assigns, are hereby

Body politic.

constituted and declared a body politic and corporate under the

Corporate name.

name and style of the "Savings Bank and Trust Company of Elizabeth City," with its place of business in Elizabeth City, North Caro-

Term.

lina, and shall have continual succession for the term of ninety-nine

Powers.

years, with the capacity to take, hold and convey property, real, personal and mixed, to sue and be sued, plead and be impleaded, to adopt and use a common seal; and the said corporation is hereby endowed with all the rights, powers and privileges of banking institutions and similar corporations under the general banking laws of the State.

Banking business.

Sec. 2. The said corporation shall have the right to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities, to loan money, to receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be prescribed by this charter or by the by-laws, or as may be agreed on by the parties; and for the use and loan of money may charge not exceeding the rate charged by law, and may take and receive said interest at the time of making said loan or otherwise, free from all other control, contract or liabilities whatever; to invest in the stocks, bonds or other securities of this or any other State or Territory, or of the United States; and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; may buy, build or lease a banking house or houses, vaults and fixtures, and may lease, sell, rent or exchange the same at pleasure; may negotiate loans on mortgages of real or personal estate, and may charge and receive from the lender or borrower, or either of them, a reasonable commission therefor.

Capital stock.

Sec. 3. That the capital stock of the said corporation shall not be

Increase of same.

less than $25,000, which may be increased from time to time or at any time, by the consent of the majority of the stockholders, to

Shares.

a sum not exceeding $100,000, and shall be divided into shares of $100 each, payable as the directors may designate, and the shares so subscribed, when fully paid up, shall be non-assessable, nor shall

any stockholder be liable for any other sum or sums on account of such subscription, except as hereinafter provided. That the said corporation shall be governed by a board of directors, composed of not less than five nor more than fifteen; that each director shall be a stockholder of said corporation; that the said corporation may commence business when thirty per cent. of the capital stock has been paid in. Directors. When to begin business.

Sec. 4. That it shall be the duty of the board of directors to adopt a common seal, which they may alter or break at pleasure, and to draft suitable by-laws which shall be submitted to and approved by the stockholders at a stockholders' meeting; to select a president, vice-president and such other officers and servants as they may deem necessary for the proper management of the business of the said corporation, and may prescribe their duties, terms of office or employment and remuneration, and require of them such surety bonds as said directors may deem proper, and in all other respects to manage the affairs of said corporation. By-laws, etc. Officers.

Sec. 5. That if any subscriber shall fail to pay for his stock, or any part thereof, as the same is required of him or her, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash at the banking house of said corporation in the city of Elizabeth City, after advertisement of such sale for ten days in a newspaper published in Elizabeth City, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all cost of such sale, the subscriber shall be liable for the deficiency in a civil action. Sale of stock of delinquents.

Sec. 6. That said corporation is especially vested with the power and authority to carry on, conduct and operate a savings bank business in all its branches, and may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings or at fixed rates, according as it may be agreed between the company and its depositors; and the board of directors are hereby authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of its corporation. Savings bank business.

Sec. 7. Whenever any deposit shall be made by or in the name of any person being a minor or a female being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor, and free from all control or lien of any persons except creditors, and shall be paid to the persons in whose name the deposit shall have been made, and the receipt or acquittance Deposits of married women and minors.

of such minor or female shall be a valid and sufficient release and discharge for such deposits, or any part thereof, to the corporation; and whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the company, in the event of the death of the trustee the said deposit, or any part thereof, may be paid to the person for whom the deposit was made.

Storage warehouse business.

Sec. 8. That in addition to the powers above conferred, said corporation may lease, build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a lien upon the property so stored; make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and the receipts issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery; and to entitle the holder thereof to the property marked and designated therein in like manner as the original holder would be had not such an assignment been made.

Rules, regulations, etc.

Warehouse receipts negotiable.

May guarantee bonds, notes, etc.

Sec. 9. That said corporation shall have power and ample authority to guarantee the payment of the principal and interest of notes, bonds, bills of exchange and other securities or evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by a deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and may charge therefor so high a rate of interest as may be allowed by law, and may take and receive the interest at the time of making said transaction.

May act as trustee, etc.

Sec. 10. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to it, with its consent, by any State or Territory of the United States; and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases. In all cases where the trustee is required by law to take an oath the said oath may be taken by an officer of the said corporation. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of

Depository for trust funds.

any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said company.

May act as agent, factor, etc.

Sec. 11. That said corporation shall have a right to act as agent, factor or broker for any State, county, township, town or other municipality or corporation, company or individual on such terms as to compensation or commission as may be agreed upon in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any State, county, township, town, municipality, corporation, company or individual, any bonds, certificates of stock, notes or any description of property, real or personal, or for increasing or for guaranteeing the payment of said bonds, certificates of stock, notes, and generally for managing such business, and for doing any and all of the matters and things authorized by this charter, said corporation may charge such premiums, commission or rates of compensation as may be agreed upon.

Surety and bonding business.

Sec. 12. That the said corporation shall have power to become surety upon the bond of any public officer, or natural person, or agent or officer of any private corporation, or on undertakings of any kind in any court, or upon contractors' bonds: *Provided*, a sufficient deposit is made with said corporation to guarantee it against loss by reason of said suretyship, and shall receive such compensation as may be agreed upon.

Safety deposit business.

Sec. 13. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, dues, muniments of titles or any other valuable papers of any kind, or any other article or things whatsoever which may be left or deposited for safe-keeping with said company, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon; and for the complete preservation and safe-keeping thereof may lease, erect, construct and purchase such fire and burglar-proof buildings, vaults, iron and composition safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping and preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital or funds as may be deposited with said company for that purpose from time to time in such stocks, bonds and securities as may be regarded as advantageous and desirable; they shall have power to receive and hold on deposit and in trust and as security estate, real, personal and mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon

such terms as may be agreed upon between them and the parties contracting with them.

Transfer of stock.

Sec. 14. That the stock held by any one in said company shall be transferred only on the books of said corporation, either in person or by power of attorney.

Individual liability.

Sec. 15. The stockholders of the bank organized under this act shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Definition of "stockholder."

The term stockholder when used in this chapter shall apply not only to such persons as appear by the books of the corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person, but not to a person who may hold the stock as collateral security for the payment of a debt.

Voting power.

Sec. 16. That at all stockholders' meetings a stockholder shall be entitled to cast as many votes as he holds shares of stock, and may be represented by a duly authorized proxy.

Former dealings declared valid.

Sec. 17. That all acts and business heretofore performed by the said corporation in the management and control of said bank and its interests, any organization they may have effected and any and all officers and any and all contracts they may have made are hereby declared valid and duly authorized in the same manner and with the same force and effect as if the same had been done under authority of this act.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 243.

AN ACT TO INCORPORATE THE MECKLENBURG TRUST COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.
Body politic.
Corporate name.
Powers.

Section 1. That F. C. Abbott, Thos. T. Allison and A. G. Craig, and their associates and successors, are hereby created a body politic and corporate under the name and style of Mecklenburg Trust Company, and by said name shall have all franchises, rights and privileges incident to a corporation.

Sec. 2. The capital stock of the corporation shall be two hundred and fifty thousand ($250,000) dollars, to be divided into shares of the par value of one hundred ($100) dollars each. The corporators named above, or any two of them, may open books of subscription, and after one hundred (100) shares shall have been subscribed for the corporators having charge of the subscription list aforesaid may give notice of a meeting of the subscribers, to be held at some place in the city of Charlotte, and at some time to be fixed in the notice, and at such time and place the subscribers, or a majority of interest of them, may meet and organize the corporation, and as soon as the sum of ten thousand ($10,000) dollars of the capital stock has been paid in the corporation shall have authority to commence business.

Capital stock.
Shares.
Books of subscription.
When to organize.

Sec. 3. The principal office and place of business of the said corporation shall be in the city of Charlotte, State of North Carolina, and it shall have the power and authority to establish branch offices in other places. The corporation shall have authority to determine what officers it shall have, and it shall make all needful by-laws, rules and regulations that may be necessary to conduct its business in accordance with the provisions of this act, and it shall have power to make contracts, use a common seal, and sue and be sued in the courts as fully as natural persons, to buy, hold, possess and convey real and personal and mixed property and do all lawful acts and doings, and exercise all lawful powers and privileges which a corporate body may do or exercise.

Principal office.
Branch offices.
By-laws.
Powers.

Sec. 4. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise on any lands, hereditaments or personal property or interest therein of any description, situate anywhere, to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crops of produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in any way dispose of, and to charge such rate of interest on any such loans not exceeding the rate allowed by law.

General banking business.

Sec. 5. That the said corporation may become the owner of the capital stock of other corporations, either by subscription or by purchase, and may, by its duly constituted agent, cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporations, and it may do the business of a general dealer in stock, shares, notes, debentures or other securities of any government, State, municipality, corporation, company, partnership or business, may negotiate or place in behalf of any corporation,

May be stockholder in other corporations.
Dealing in stocks, bonds, etc.

company, partnership or person, choses, stock, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligations by said company; may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any person or other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors agree to, as an investment or otherwise.

Deposits.

Savings bank business.

Sec. 6. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by the board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings bank features of this corporation.

Deposits of married women and minors.

Sec. 7. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her receipt or acquaintance, or his or her check drawn against such deposit shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

Surety and bonding business.

Sec. 8. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so: *Provided*, that the corporation shall comply with all the laws of the State regulating surety companies doing business in the State.

Proviso.

May act as agent, factor, etc.

Sec. 9. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registration, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, town, municipality, corporation, company or

person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

May act as trustee, executor, etc.

Sec. 10. That said corporation shall have power to receive money in trust; to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by a court, corporation, company, persons or person; and it shall also have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

May act as receiver, guardian, etc.

Sec. 11. That in all cases when application shall be made to any court of this State for an appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Mecklenburg Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charge, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned, may be taken by any officers of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Subject to orders of court.

Qualification by officers of corporation.

May act as assignee, trustee, etc.

Depository for funds in litigation.

Safety deposit business.

Sec. 12. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts in the State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds, silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

Storage warehouse business.

Sec. 13. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchan-

dise, cotton and other products, and to charge and receive commissions, rents and compensations for the storage and keeping thereof, which charge shall constitute a lien on the property so stored; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms or receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law, and the receipts issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the bearer thereof to the property marked and designated therein in such manner as the original holder would be had not such an assignment been made.

Rules and regulations.

Warehouse receipts negotiable.

Increase of capital stock.

Sec. 14. That the corporation shall have the power to increase its capital stock to any amount that a majority in value of its stockholders may deem best: *Provided*, the capital stock shall in no event exceed the sum of one million ($1,000,000) dollars.

Sec. 15. That this act shall be in full force from and after the day of its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 244.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FREMONT.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That the corporate limits of the town of Fremont shall be as follows: Beginning at Jenkins' crossing, in the centre of said crossing and the Atlantic Coast Line Railroad, and running thence N. 64 degrees 51 minutes W. two thousand six hundred and forty (2,640) feet; thence N. 25 degrees 9 minutes E. six thousand nine hundred and eight (6,908) feet; thence S. 64 degrees 51 minutes E. five thousand two hundred and eighty (5,280) feet; thence S. 25 degrees 9 minutes W. six thousand nine hundred and eight (6,908) feet; thence N. 64 degrees 51 minutes W. two thousand six hundred and forty (2,640) feet to the first station.

Town taxes.

Sec. 2. That the Board of Commissioners of the said town shall annually, and not oftener, levy and collect a tax on real and personal estate and on all such polls as are taxed by the General Assembly for public purposes, within the corporate limits, not to exceed

66 2-3 cents on each one hundred dollars of real and personal property and two dollars on each poll. And the said Commissioners shall have power to levy and collect a special or license tax on all persons, apothecaries and druggists excepted, retailing or selling intoxicating liquors of the measure of a quart or less, not exceeding five hundred dollars per annum, and in addition thereto shall have power to levy and collect a special or license tax upon all trades, professions, agencies, businesses, exhibitions and manufactories in said town, and upon all subjects of taxation which are now or may be hereafter taxed for State purposes, not to exceed double the amount of the taxes imposed by the State, and also upon all subjects of taxation which they are now authorized under their charter or under the general law regulating cities and towns to levy and collect.

Tax rate.

License tax on retail liquor dealers.

License tax on trades and professions.

Sec. 3. That the Board of Commissioners of said town shall appoint some suitable person to take the list of taxable property and polls in said town, and it shall be the duty of such person to sit with the tax listers for Nahunta and Great Swamp Townships at such times as the said listers shall take the lists of the property and polls of their respective townships within the corporate limits of said town.

Appointment of list-taker.

Duties.

Sec. 4. That the said town and its Board of Commissioners shall have all the powers conferred upon said town by its charter and upon cities and towns by the general law of the State.

Town to have general powers.

Sec. 5. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 245.

AN ACT TO INCORPORATE THE WASHINGTON AND VANDEMERE RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That D. F. Shull, B. G. Moss and Wiley C. Rodman, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body politic and corporate to exist for the term of ninety-nine years, under the name and style of the "Washington and Vandemere Railroad Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift, or in any other way, real and personal

Corporators.

Body corporate.

Corporate name.

Corporate powers.

property, and of holding, leasing, conveying and in other manner dealing with the same, and the said corporation shall also have and enjoy all the rights, privileges and immunities which corporate bodies may lawfully exercise or enjoy, and may make ordinances, by-laws and regulations, consistent with the laws of this State and with the laws of the United States, for the government of all under its authority, for the management of its estates and for the due and orderly conduct of its affairs. It may build branch roads not exceeding fifty miles in length from any point on its line, and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such branch roads as well as to the main line.

Branch roads.

Power to construct roads, etc.

Location.

Power to connect tracks and go through towns.

Sec. 2. Said company upon its organization, as hereinafter provided for, shall have power to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks, and telegraph or telephone line or lines from the town of Washington, in the county of Beaufort and State of North Carolina, easterly to the town of Vandemere, in the county of Pamlico and State aforesaid. That said company shall have power to connect its tracks with any other railroad company now or hereafter chartered, and to lay down and use tracks through or into any town or city along its proposed lines, by and with the consent of the corporate authorities of such town or city, upon such terms as may be prescribed.

Capital stock.

Voting power of stockholders.

Quorum.

When company may organize.

Subscriptions to stock, what to consist in.

Individual liability.

Forfeiture of stock.

Prior notice to stockholders.

Sec. 3. The capital stock of said company shall be one hundred and twenty-five thousand ($125,000) dollars, to be divided into shares of one hundred ($100) dollars each, as the stockholders thereof may determine. The holders of stock in this company shall in all meetings of the stockholders be entitled either in person or by proxy, to one vote for each share of stock held by him, and a majority of the stock shall constitute a quorum at all meetings of the stockholders. As soon as twenty-five thousand dollars shall be subscribed the said company [may] organize. Subscriptions to the stock may be made in money, land or other property, bonds, stocks, credits, contracts, leases, options, mines, minerals or mineral rights, right of way and other rights of easements, labor or service, upon such terms as may be agreed upon or approved by the subscriber and the board of directors of the company, and there shall be no individual liability upon the takers or holders of said stock beyond the unpaid subscription thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscription amount when it becomes due, as required by the board of directors, said board may declare his stock forfeited, as well as all previous payments thereon, to the use and benefit of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the

post-office, postage paid, directed to him at the post-office nearest his usual place of abode, or to his post-office address as given opposite his signature to the subscription paper, stating that he is required to make such payment within sixty days from date of notice, at such time and place as is named therein, and at the expiration of such period of sixty days, if the subscriber is still in default, the board of directors may exercise the power of forfeiture above conferred.

Opening subscription books.

Sec. 4. The incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents, at such place or places, either within or without this State, as they or such majority may fix, and with or without notice, and if with notice, then upon such notice as they or such majority may deem necessary or expedient. And said incorporation, or a majority of them, may, when they or such majority deem proper, aften ten days' notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, call together the subscribers to said shares of stock at any place in or out of this State; and said subscriber, or such of them as may attend, may then complete the organization of said company by electing a board of directors, to consist of such number as they determine, and of such officers as they may see fit, and the said directors may thereupon proceed to elect one of their number as president and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act: *Provided*, the principal office of said company shall be in the State of North Carolina.

Completion of organization.

Officers, election, etc.

Other acts necessary to organization.

Annual meetings.

Sec. 5. The annual meeting of the stockholders shall be held on such day as is or may be prescribed by the by-laws, or if none be prescribed, on such day as the stockholders may, in general meeting from time to time, appoint, or in the absence of such appointment by the stockholders, on such day as the board of directors may designate, and at such place within or without this State as shall be fixed from time to time by the board of directors. Notice of the annual meeting of the stockholders shall be published in a newspaper for two successive weeks.

Notice.

General meetings.

Sec. 6. A general meeting of the stockholders may be held at any time, upon the call of the board of directors, or of the stockholders holding together one-tenth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last annual meeting was held. At such general meeting all the powers of the

Notice.

What business may be transacted at general meeting.

company may be exercised, and any business transacted that might be transacted at an annual meeting.

Election of directors.

Sec. 7. The election of directors shall be by ballot, and shall be held at the annual meeting, unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting, or until their successors are duly elected and assume their duties. The Board may fill any vacancy that may occur in it during the term for which its members have been elected. The president of the company and such other executive officers as may be provided for by the by-laws, shall be annually elected by the directors from among their number, in such manner as the regulations of the company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. The Secretary and Treasurer shall also be elected by the board of directors, and may be one and the same person. In the absence at any meeting of the board of directors of the president and vice-president, if there be a vice-president, or of the secretary, the board may appoint a president or secretary *pro tempore*. The board of directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.

Term of office.

Vacancy, how filled.

Election of officers.

Term of office.

Secretary and treasurer.

Appointment of officers pro tem.

By-laws.

Certificates of stock. How transferable.

Sec. 8. The company shall issue certificates of stock to its members, and the stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.

Powers with reference to the stock and property of other corporations.

Sec. 9. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other company upon such terms and under such name as may be agreed upon. It may assign or lease its property and franchises, or any part thereof, to any other railroad company incorporated by the laws of this State or any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the company incorporated by this act. Any of the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds or other securities of any other corporation now in existence or hereafter projected in the State or elsewhere, and any other such company may subscribe to or purchase the capital stock, bonds or other securities of this company:

Provided, nothing in this act shall be construed to allow the said company to become the channel through which competing railroad companies may consolidate. This company shall have power to use any section or portion of its road, or other lines, before the whole of the same shall have been completed, and may charge tolls for the transportation of passengers and freight on its road, and for the transmission of messages or for use of its telegraph or telephone lines, and on any such section or portion of said road or lines.

When company may use its property and charge tolls.

Sec. 10. This company shall have the right and power, when necessary or convenient, to construct their said road across any public road or street, at such point as it may determine, or along or alongside of any public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company; it shall likewise have power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions, and to cross any navigable stream or canal on its route; it shall likewise have the right and power to cross at grade, or over or under any other railroad constructed or that may hereafter be constructed in this State at any point on its route; to intersect, join or unite its line of railway with any other such railroad, upon the ground of such other companies at any point on its route, and to build turnouts, sidings, switches and other conveniences in furtherance of the object of its construction, and may, in making any intersection or connection with any other railroad, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

Corporate powers.

Sec. 11. Whenever from any cause this company is unable to agree with the owners of land over or near which it is proposed to extend its road for the purchase of such land for its depots, road-beds, station grounds, yards, shops, gravel pits, quarries or other purposes of the company, the said company may proceed to have such land condemned and entered in the manner provided in chapter 49 of the first Volume of The Code. In the event that the true owner of the property taken, as above mentioned, is not notified as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for assessment of the value thereof, as aforesaid, but no action or ejectment shall be brought by him nor the possession or occupation of this company in any way disturbed, unless it shall, within the time to be fixed by the said court, fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such condemnation and occupation under any legal disability, he may file a petition for the assessment of such damages within two years from the removal of such disability.

Right of eminent domain.

Where true owner is not notified or under disabilities. Procedure.

Limit of space which may be condemned.

Sec. 12. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measuring from the middle line of the same, except in cases of deep cuts or high embankments, when said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road; and except, also, that if for depot, warehouse, station, grounds, shops, yard, gravel pit, quarries or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Right to enter upon lands for surveying, etc.

Sec. 13. It shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any and all times upon all lands or waters for the purpose of exploring, surveying and locating its line upon the same and of making a plot thereof.

Subscriptions to capital stock by counties, townships, towns, etc.

Sec. 14. Any county, township, city or town along or near the line of the constructed or proposed road of this company, may subscribe to the capital stock of the company in the following manner: Upon presentation of a petition in writing, signed by not less than twenty-five per centum of the voters of the county, township, city or town, to the Board of Commissioners of such county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, city, township or town where such petitioners may reside, a proposition to subscribe a definite sum, to be named in said petition, to the capital stock of this company, the Board of Commissioners of said county or proper authorities of said

Elections on question of subscription.

city or town shall within thirty days order an election to be held in such county, township, city or town and submit to the qualified voters therein the question of subscribing to the capital stock of the said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription and shall vote shall vote a ballot on which shall be written or

Form of ballots.

printed the words "For Subscription," and those opposed to such a subscription shall vote a ballot on which shall be written or

Election regulations.

printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers by the general election laws of this

Notice.

State. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house of said county and at every polling place of said county, township, town or city where the said election

Returns.

shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or proper authority of said city or town. If a majority of the qualified voters vote for subscription, then the Board of Commissioners of said county or proper authorities

of said city or town shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denomination of not less than one hundred ($100) dollars, and not more than one thousand ($1,000) dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the Board of County Commissioners and by the Clerk of said county, and if issued by a city or town, by the Mayor and one of the Commissioners of such city or town.

Bond issue.
Form of bonds.
Denomination.
How signed.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities of the city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year, at the time of levying their taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on the account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officer of such county, township, city or town, to the Treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which levied and collected, and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of the county issuing said bonds, or in which there is a township issuing such bonds, or by the proper authorities of the city or town issuing said bonds: *Provided*, that whenever the sinking fund shall be invested in the purchase of the identical bonds issued under this act, such investment shall be at a price not exceeding the par value thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other company, the Board of Commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Tax levy for payment of interest and bonds.
Sinking fund.
How tax collected and disposed of.
Investment of sinking fund.
Transfer of subscription upon transfer of property.

Sec. 16. For the purpose of this act all the townships and counties along or near the line of the constructed or proposed road of this

Counties, townships, towns, etc., subscribing to capital stock, incorporated.

company which may vote to subscribe to the capital stock of the company, as provided by this act, shall be and are declared to be respectively bodies politic and corporate and vested with full power to subscribe, as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the power necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The County Commissioners of the respective counties in which any such township is located are declared to be corporate agents of said township so incorporated and situated within the limits of the said counties respectively for the purpose of issuing the bonds of said township or townships, and to provide for the levy and collection of taxes on property and polls to pay the principal and interest of such bonds and to provide for the sinking fund hereinabove mentioned.

County commissioners corporate agents.

Power of company to issue bonds and mortgage property.

Sec. 17. It shall be lawful for this company to issue coupon or registered bonds in such denomination, running for such time, bearing such rate of interest and payable at such time and place as the board of directors may direct, and to secure the payment of the same the company is authorized to execute one or more mortgages or deeds of trust to such person or corporation as it may select, on all or any part of its real and personal property, franchises and privileges, or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all or any part of its franchises, and in such manner as the company may direct; and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in said mortgage or deed of trust. This company may, by the action of the stockholders or through its board of directors, sell, hypothecate or otherwise dispose of the bonds authorized by this section to be issued, or any other of its stock, bonds or securities.

Registration of mortgages.

Hypothecation of bonds, stock, etc.

Penitentiary directors may lease convicts.

Sec. 18. The Board of Directors of the Penitentiary may, on the application of the president of this company, approved by the Governor, turn over to said company convicts not otherwise appropriated or needed, in the discretion of said board, not less than two hundred and fifty in number, to be worked on the construction of said road, upon such terms as may be agreed upon, the convicts to be guarded and superintended by the authorities of the Penitentiary and to be hired to said company as provided by law.

Personal liability of stockholders.

Sec. 19. The stockholders of this company, whether private individuals or corporations, public, private or municipal, shall not be personally liable for the debts of the company.

Sec. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 246.

AN ACT TO INCORPORATE THE GUARANTY LIFE INSURANCE AND INDEMNITY COMPANY OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That D. A. Tompkins, Henry M. McAden, S. J. Durham, B. D. Heath, J. W. Cannon and T. C. Guthrie, W. C. White and O. L. Barringer, and their associates, successors and assigns, be and they are hereby created a body politic or corporation with the powers, rights and privileges usually granted to private corporations under the laws of this State, by the name of the "Guaranty Life Insurance and Indemnity Company." Corporators. Corporate name.

Sec. 2. That the capital stock of said corporation, with which it shall be authorized to commence business, is fifty thousand ($50,000) dollars, to be divided into five hundred (500) shares of the par value of one hundred ($100) dollars per share, which capital stock may at any time, or from time to time, be increased to an amount not exceeding one hundred and twenty-five thousand ($125,000) dollars. Capital stock. Shares. Increase of capital stock.

Sec. 3. That the said corporation is authorized to carry on the business of life insurance, accident insurance, liability insurance and health insurance in any and all branches thereof, and to this end the said corporation is clothed with all powers, useful, necessary or desirable, for carrying out any or all of the said objects and purposes. Corporate business. Corporate powers.

Sec. 4. The principal office of said company shall be in the city of Charlotte, Mecklenburg County, State of North Carolina, with power conferred upon stockholders to open one or more branch offices in or out of this State, and to change the principal office to some other point in this State in case such change should be considered desirable. Location of offices.

Sec. 5. That the affairs of the company shall be controlled and made by a board of directors, of such number as may be fixed by the by-laws. Board of directors.

Sec. 6. That the said corporation, by a majority vote of its stockholders, shall ordain such by-laws, with power to amend or alter the same at any time, as may be desirable for the conducting of the affairs of the corporation. By-laws.

Officers.

Sec. 7. That the officers of the company shall consist of a president, vice-president, secretary, treasurer, actuary and any other officers that may be deemed necessary by the board of directors; such officers shall be elected by the board of directors and their duties fixed by the by-laws and by the board of directors and their terms of office and compensation to be fixed by the board of directors. The same person may hold any two of the said offices.

Election and duties of officers.

Term of office and compensation.

Subscription books, when opened.

Sec. 8. Within sixty (60) days of the ratification of this act books of subscription shall be opened by the corporation herein named, or by such person as they may so authorize, for the purpose of receiving subscribers to the capital stock of this corporation. When the sum of fifty thousand ($50,000) dollars shall be subscribed the said corporators shall issue a notice to the subscribers of the capital stock and to the stockholders, setting a time for meeting, to be held in the city of Charlotte not less than ten (10) days from the date of such notice, at which meeting the company may be organized.

When company may organize.

When to begin business.

Sec. 9. Upon the said fifty thousand ($50,000) dollars of capital stock being paid in full, the said company shall be authorized to begin business, upon license being issued by the Insurance Commissioner.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 247.

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF MARION.

The General Assembly of North Carolina do enact:

Chapter 183, Private Acts 1889, Private Laws 1901, chapter 149, amended.

Section 1. That the charter of the town of Marion, Private Acts 1889, chapter 183, and the amendments thereto, Private Acts 1901, chapter 149, be amended as follows: That the words "eastwardly to a point due south of J. L. Morgan's southeast corner of his Sledge tract," in lines eight and nine of section 2, chapter 183, Private Acts 1889, as counted without amendment, be stricken out and in lieu thereof shall appear the words "thence with Young's Fork of Muddy Creek to the mouth of the branch which runs just east of the Oak Grove Cemetery, thence up that branch to the railroad of the S. C. & Ga. Ex. Ry. Co., thence with the railroad westwardly to J. L. Morgan's line of the Sledge tract." That the Private Acts 1901, chapter 149, be amended by striking out all of section 2 after the word "further" in said section and adding in lieu thereof the following words: "to a stake in the west side of Johnson street,

Town boundaries of Marion changed.

thence N. 26 west with said street 48 poles to a marked maple tree in a hollow, then west 14 poles to Garden street, then north 40 west 40 poles to a large pine, then N. 40 poles to a stake in the public road opposite McThanley's house, then N. 45 W. with the public road to Morphew and Thomas' corner opposite Charles Greenlee's house, then S. 40 W. 125 poles to a stone east of Garden Creek road near a fish-pond, then south 40 E. with the east side of the said public road 150 poles to R. J. Harbin's corner, then N. 25 E. 138 poles to J. Yancey's line, then S. 20 east 570 feet to an oak bush in the bend of public road, then with the public road to a stake in west side of Logan street, then with Logan street to a stake in said street opposite the northeast corner of the D. E. Hudgins Ed Conley lot, then a direct course to the top of Phœnix Knob, then south with the outside lines of W. McD. Burgin and H. A. Tate to stake in J. L. Morgan's line of Old Solomon lands, thence west with J. L. Morgan and H. A. Tate's line to a Spanish oak on top of a hill, an old corner, then westward the Buck Creek road, then with the Buck Creek road southward to the junction of the J. L. Morgan line with the Huthsteiner tract, then west to the branch coming from the Huthsteiner land, then with said branch southward to the Southern Railroad, thence across the railroad to Tom Martin's northwest corner, then with his line to the Crooked Creek road.

Sec. 2. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 248.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-five, Private Laws of the session of 1889, being "An act to revise and consolidate the charter of the town of Tarboro," be amended as follows: In section five strike out "one year" in line six and insert in lieu thereof "two years."

Chapter 195, Private Laws 1889, amended.
Term of office of mayor 2 years.

Sec. 2. In section twenty-four strike out the words "and Tax Collector" in line two, and add to the end of said section the following: "The clerk to the Board of Commissioners shall be Tax Collector of the town, and shall have the same power and authority, by sale of real and personal property and otherwise, and under the same regulations, to collect the taxes imposed by the Board of Commissioners

Clerk made tax collector.
Powers.

of said town as the Sheriffs now have, or may hereafter have, to collect State and county taxes; and on or before the first day of February of each year he shall pay over and account for, in full, the taxes of the year preceding: *Provided*, the Board of Commissioners may extend the time of final settlement until the first day of May succeeding. Said Tax Collector is hereby authorized and empowered to collect such taxes as are assessed on the tax lists of said town for the years 1896, 1897, 1898, 1899, 1900 and 1901, and are still unpaid, under the same regulations as are now provided for collecting the taxes of said town.

Accounting for taxes.

Board may extend time.

Empowered to collect back taxes.

Liquor license, when and how issued.

Amount, etc.

Sec. 3. Strike out all of section 27 after the word "spirituous" in line eight, and add the following: "vinous or malt liquors a tax of one thousand dollars per annum, payable semi-annually in advance on the first days of January and July; and no license shall be issued for a less time than six months, and said licenses shall expire on the thirtieth day of June and the thirty-first day of December, respectively, after the date of issue.

No games of chance where liquor is sold.

Violation by liquor dealer forfeits license, and misdemeanor.

Subsection 2. No billiards, pool, cards, dice, match-penny, crack-a-loo, or any game of chance of any kind or description, by whatever name known or called, shall be played in any building where liquor is sold, or in any adjacent building owned or controlled by any dealer in liquor; and any dealer in liquor wilfully or knowingly violating this section shall, upon conviction before the Mayor of Tarboro or any justice of the peace, forfeit his license, and in addition thereto be guilty of a misdemeanor.

Selling or giving to minor without order from parents forfeits license.

Minor offering to buy or making false answer guilty of misdemeanor. Penalty.

Subsec. 3. Any dealer in liquor selling or giving liquor to a minor without an order in writing from the parent, guardian or person *in loco parentis* to said minor, or knowingly permitting any minor to stand or loiter around his place of business, shall forfeit his license; and any minor offering to buy liquor of a dealer, and upon question as to his age shall wilfully and knowingly make a false answer, shall be fined twenty-five dollars, and in addition thereto be guilty of a misdemeanor.

Bar-rooms, when to open and close.

Screens, curtains, colored windows, etc., forbidden.

Penalty for violation.

Subsec. 4. Every place wherein liquor is sold shall close promptly at nine o'clock P. M., from October 1st to April 1st, and at ten o'clock P. M., from April 1st to October 1st, and remain closed until sunrise the next day. There shall be no screens, curtains, obscured or colored windows, or any obstruction to a clear view from the street of the premises where liquor is sold, during the time the places where liquor is sold are required to be closed. Any violation of the provisions of this section shall subject the offender to a penalty of twenty-five dollars, and the Board of Commissioners may revoke the license of the offender.

Tax on beer-bottling establishments.

Subsec. 5. A tax of one hundred dollars per annum, payable semi-annually in advance on the first days of January and July, on all beer-bottling establishments, the beer to be sold in quantities not

less than a crate of twenty-four pint bottles: *Provided*, they shall be governed by the same regulations provided for dealers in spirituous, vinous or malt liquors in subsections two, three and four of this act. Regulations for government thereof.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 249.

AN ACT TO INCORPORATE THE SALISBURY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Edward I. Frost, Walter Murphy, F. Franklyn Smith, A. C. Mauney, A. H. Graff, O. W. Spencer, H. C. Daggett and H. E. Cole, their associates, successors and assigns, are hereby constituted and created a body politic and corporate by the name of the Salisbury Railroad Company, and by that name and style they and their successors and assigns shall have succession for sixty years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this State or elsewhere; shall have a common seal which it may use and break at pleasure, and they and their successors and assigns by the same corporate name and style shall have the power to purchase, hold and convey land, tenements, goods and chattels whatsoever, and shall have the power to make such by-laws and regulations consistent with the laws of this State and the United States for their own government and for the due and orderly conducting of their affairs and the management of their property. Corporators. Corporate name. Corporate succession. Corporate powers.

Sec. 2. That the said company shall have the right to construct and maintain a railroad to be operated by steam from the town of Danbury, in Stokes County, and extending through the counties of Stokes, Forsyth, Davidson, Rowan, Cabarrus, Mecklenburg and Union to some point on the Carolina Central Railroad in the county of Union, and it may establish such gauge for said road as they may think proper. Power to construct railroads. Location. Gauge of road.

Sec. 3. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of increasing the same to two million five hundred thousand dollars. It shall be divided into shares of one hundred dollars each, and be transferable upon the books of said company as the by-laws may direct. Capital stock. Shares.

Books of subscription, when and where opened.

Sec. 4. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine;

Notice.

and to that end three of the said corporators may, by ten days' notice in any paper published in Rowan County, cause a meeting of the said corporators to be held in the city of Salisbury.

Time of organization.

Sec. 5. That as soon as the sum of twenty thousand dollars shall have been subscribed to the capital stock of said company it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the pro-

Board of directors.

visions of this act, and to elect a board of directors of not less than three nor more than seven persons, a majority of whom shall be necessary for the transaction of business, and who shall hold their

Term of office.

office for one year and until their successors shall be elected and qualified; and the directors chosen at said meeting and annually

Officers.

thereafter shall elect a president, secretary and treasurer and such

Terms of office.

other officers, who shall hold their offices during the pleasure of the said board of directors subject to such rules and by-laws as may be adopted for the government of the said company; and the said board

Vacancy, how filled.

of directors may fill any vacancy in any of said offices caused by the death, resignation or otherwise, for the remainder of any unex-

Voting power of stock.

pired term therein; that at all elections for the said directors each share of stock represented in person or by proxy shall be entitled to one vote; the meetings of stockholders shall take place as provided for in said by-laws.

Location and construction of road.

Sec. 6. That the board of directors shall, as soon after their organization as possible, proceed to locate and have constructed said railroad on the route they find the most practicable.

Right to enter upon lands of others to survey, locate, etc.

Sec. 7. That it shall be lawful for the said directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad and of locating the same, and to do and to erect all necessary buildings, works and appendages thereon, doing no unnecessary damage to

When company may take possession of lands for purposes of construction.

private property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the Secretary of State, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands and erect all works necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided,*

Proviso for payment for property.

always, that the payments, or tender of payments, of all damages for the occupancy of all lands through which the said railroad may be laid out, be made before the said company shall enter upon or break ground upon the premises, except for surveying or laying out said

road, unless the consent of the owners thereof be first had and obtained.

Sec. 8. That when any lands or right of way may be acquired by said company for the purpose of constructing its road, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation to be made by three commissioners, or a majority of them, who shall be appointed by the Clerk of the Superior Court of the county in which said land or right of way or the greater part thereof is located, after ten days' notice to all parties interested. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may occur in any way whatsoever by the establishment of said railroad or work, and shall state particularly the value and amount of each, and excess of loss and damage over and above the advantage: *Provided, nevertheless,* that if any person or persons over whose land the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the Superior Court of the county wherein the valuation has been made, subject to the same rules, regulations and restrictions as in other cases of appeal, the proceedings of said commissioners, with a full description of said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of record, and the land or right of way so valued shall vest in the said company as long as the same shall be used for the purpose of said railroad, or as soon as the valuation shall have been paid or tendered in case of refusal: *Provided further,* that the valuation provided for in this section shall be made on oath by said commissioners, which oath may be administered by any Superior Court Clerk or justice of the peace: *Provided further,* that the right of condemnation herein granted shall not authorize the said company to remove the dwelling-house, yard, garden or burial-ground of any individual without the consent of the owner.

Right to condemn lands and method of procedure.

Right of appeal.

Return of commissioners' proceedings.

Commissioners' valuation to be made on oath.

No authority to remove dwelling, yard, garden, or burial ground without consent.

Sec. 9. That the right of said company to condemn land in the manner aforesaid shall extend to sixty feet on each side of the main track of the road, measuring from centre of the same, except that the said company in condemning and appropriating land for the constructing and building of depots, warehouses, shops and other necessary buildings, may condemn and appropriate two hundred feet

Width of land which may be condemned.

from either side or both sides of said road, measuring from the centre of the track, so as to include two acres of land but not more.

Certain amount of public lands to vest in company.

Sec. 10. That all lands not heretofore granted to any person, or which is now subject to grant by the State, lying within sixty feet of the centre of said road, shall vest in the said company so soon as the line is definitely laid out through it, and any grant of land thereafter shall be void.

Passenger and freight tolls.

Sec. 11. That the said directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freights, produce and merchandise as may be authorized and fixed by the said company, not inconsistent with the laws of this State, and may lease and farm out such rights to any person, company or corporation whatsoever: *Provided*, that the said company shall prorate the freight and travel upon mutually reciprocal terms with the company, owners or operators of any other railroad in this State with which it may connect.

Company to prorate tolls with connecting companies.

Power to borrow money, issue bonds, etc.

Sec. 12. That the said company is authorized, if it be found necessary for the construction, improvement or keeping in repair of said road, to borrow money and to issue coupon bonds of such denomination and value, bearing interest, and payable at such times and places as the board of directors may determine, and such other evidences of indebtedness as the said board of directors may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid, and the interest thereon, the said Salisbury Railroad Company may execute and deliver mortgage or deed or deeds in trust, signed by the president and countersigned by the secretary of said company, conveying its franchise and property, including its road-bed, superstructures, choses in action and real and personal estate of whatever kind, to the holder of said bonds or to such person as the said board of directors may select, in trust for them.

Power to execute mortgages, deeds of trust, etc.

Right to construct and operate telegraph and telephone lines.

Sec. 13. That the said company shall have the right to construct and operate telegraph lines and telephone lines on its said right of way.

Right of connection with other roads.

Sec. 14. That this charter is granted upon condition that any railroad company heretofore or that may hereafter be chartered by the State, shall have the right to connect with said railroad and to the interchange of traffic upon mutually agreed terms.

Time limit to commence construction.

Sec. 15. That the construction of said road shall be commenced within three years of this act.

Lateral or branch roads.

Sec. 16. That the said company shall have the right to construct and operate lateral or branch railroads or tram-ways of any desired guage, not exceeding twenty-five miles in length, which shall have all the right and powers and be subject to all the restrictions of the main line.

Sec. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 250.

AN ACT TO INCORPORATE SWAN QUARTER, IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Swan Quarter, in the county of Hyde, be and the same is hereby incorporated by the name and style of Swan Quarter, and the limits of said town shall be as follows: Beginning at the mouth of Ballance's (commonly called Namrey's) Creek, running thence a northeasterly course with said creek and Ballance and Cradle's main leading ditch to a point opposite a tap ditch running through E. O. Spencer's farm, which runs beside the mill-path and near the wind-mill, and thence with said ditch to the public road leading to the court-house, thence a southwesterly course with the southeast side of said road to a point opposite Captain Richard W. Howard's south line, then with said Howard's south line and Rev. S. S. Barber and Joseph M. Watson's south line to the Ben Martin canal or ditch, then a southwesterly course with said canal to Swan Quarter Bay, and then a southeasterly course with the various courses of the bay to the aforesaid place of beginning. Swan Quarter incorporated. Boundaries.

Sec. 2. That the officers of said town shall be a Mayor, three Commissioners and a Constable, to be elected in accordance with the laws regulating the election of officers for the cities and towns of this State, as provided by chapter 62 of The Code. Town officers. How elected.

Sec. 3. That until the first election to be held under the charter, to-wit, on Tuesday after the first Monday in May, 1903, and until their successors shall be elected and qualified, the officers of said town shall be: Mayor, George V. Cradle; Commissioners, M. T. Berry, W. B. Swindell and George L. Swindell; and Constable, R. H. Tunnell. Time of first election. Names of temporary officers.

Sec. 4. That said town and the officers thereof shall be governed by and shall have and exercise all the jurisdiction, rights and powers conferred under and by the provisions of chapter 62 of The Code and laws amendatory thereof. Chapter 62 of Code and laws amendatory thereof to apply to town and officers.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 251.

AN ACT TO INCORPORATE THE NORLINA, WARRENTON AND CARROLINA CENTRAL RAILROAD COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That H. A. Boyd, W. B. Boyd, W. F. Stephens and R. B. Boyd, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate by

Corporate name.

the name of the Norlina, Warrenton and Carrolina Central Railroad

Corporate powers.

Company, and as such shall have the powers herein granted in perpetuity. That said company may, by that name, sue and be sued, plead and be impleaded in any court in this State, and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change and alter at pleasure; to acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have and exercise all the rights conferred by Volume I, chapter 49 of The Code, and all amendments thereto, and every other power, privilege, franchise and right, common and necessary to similar corporations, and not inconsistent with the laws of this State or the provisions of this act.

Location of road.

Sec. 2. That said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from a point in Warren County, North Carolina, at or near Norlina, to be selected by the president and directors of said company, through the counties of Warren, Franklin, Nash, Johnston, Sampson, Bladen and Columbus, with the right to go through Harnett and Cumberland also, to a point at or near Chadbourn.

Capital stock.

Sec. 3. That the capital stock of said company shall be one hundred and twenty-five thousand ($125,000) dollars, and the same may

Increase.

be increased from time to time, as a majority of the stockholders may determine, to an amount not exceeding four million dollars:

Power to increase, how obtained.

Provided, that such increase shall not be made except upon application to and authority granted by the Secretary of State upon the filing of petition setting out the amount of increase desired, and the payment of the tax thereon prescribed by law. That the stock

Shares.

of said company shall be in shares of one hundred ($100) dollars each, and for which certificate shall be issued, and each share shall

Voting power.

be entitled to one vote, and the stockholders shall not be individually

Individual liability.

liable for any sum beyond the amount of their said subscription to

the said capital stock. That books of subscription shall be opened by the corporators, or a majority of them, at such times and places and under such rules and regulations as they, or a majority of them, may deem proper. That the said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, giving ten days' notice thereof in some paper published in the county of Warren. That at such meeting the stockholders shall elect a board of directors consisting of five members, and may increase the number from time to time as the stockholders may deem fit, who shall elect one of their number president of the company.

Books of subscription.

Completion of organization.

Notice.

Board of directors.

Sec. 4. That subscription to the capital stock of said company may be in money, lands, labor or material necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company.

Subscriptions, what may constitute.

Sec. 5. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this State or any other State or States, whenever a majority of the stockholders of this company shall so decide, when the two or more railroads so to be merged and consolidated shall and may form a continuous line of railroad with each other, or by means of intervening road or roads; and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and the number of the said directors of the said consolidated corporation shall consist of not less than five persons. That said directors, or a majority of them, shall elect a president, and shall appoint such officers as may be deemed necessary; shall establish a common seal and do other such acts as may be necessary for the conduct of a corporation so formed; and the said directors, or a majority of them, may establish the principal office of said consolidated company at such place on the line of the consolidated company as they may deem best: *Provided*, that the said consolidated company maintains in this State an office or offices and agent or agents upon whom process may be served: *Provided further*, that such consolidation, corporation or corporations shall be subject to the liabilities granted and imposed by the laws of North Carolina, and such consolidated corporation shall be a domestic corporation of the State of North Carolina.

Power to merge, etc., with other companies.

Directors of consolidated company.

Officers.

Principal office.

Proviso.

Proviso.

Sec. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other State

Power of other companies to purchase or guarantee stock, etc.

from time to time to subscribe for, purchase or hold the stocks and bonds, or either, of this company, or to guarantee or endorse such bonds or stocks, or either of them; and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other State to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such company or companies as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stocks or bonds, or both, of any other railroad or transportation company chartered by this or any other State, or to guarantee the stocks or bonds of any such company, or to purchase, lease or operate the road or line, property or franchise of any such railroad or transportation company: *Provided*, that the road or line of such company shall directly or by means of one or more intervening roads or lines, be connected with the road of this company.

Power of other companies to purchase or lease road, franchises, etc.

Power of this company to purchase, guarantee or lease stock, bonds, property, etc., of other companies.

Proviso.

Annual meetings of stockholders.

Annual account of officers.

Special meetings.

Sec. 7. That meetings of stockholders shall be held annually at such time and place as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president, or a majority of the directors, by notice mailed to each stockholder, or by publication in one or more newspapers published in Raleigh, in this State, thirty days before said meeting, and notice of annual meetings shall be likewise published.

Appointment of officers and agents.

Sec. 8. That the president and board of directors of this company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year, or until their successors are elected; and in case of vacancies occurring by death or resignation in the office of director, the same may be filled by the directors until the next meeting of the stockholders.

Election of directors and term of office.

Vacancies, how filled.

Power of expenditures and contraction of debts.

Sec. 9. The president and directors of said company, under authority from a majority of the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Power to borrow money and secure the same.

Sec. 10. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by a majority of its stockholders, and to pay thereon such rates of interest, not exceeding six per cent., as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debts, in such manner and of such form as may

be determined by the president and directors; and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchises of the company, or either or any part thereof.

Power to enter lands of another to lay out said road.

Sec. 11. That it shall be lawful for any officer, agents, surveyors, engineers or employees of said company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing anything necessary or proper to be done for laying out the said road and locating the same, and for the purpose of erecting all necessary works and buildings required in this behalf, paying for all injury to private property whenever any land is required in the construction of its road or any of its branch lines for right of way, warehouses, depots, water stations, turnouts, work-shops, or for other buildings or purposes, and whenever the company and the owner of the land shall be unable to agree on the value thereof, the company may, in the prosecution of its work, enter upon said land, and either party may have the value of the land thus occupied or needed ascertained and determined in the following manner: Application may be made by either party in writing to the Clerk of the Superior Court in the county where the land lies, setting forth the location and a minute description of the same, and the Clerk shall thereupon issue his order in writing to the Sheriff of said county commanding him to summon three disinterested freeholders of the said county, who, after being duly sworn, shall meet on the premises at some agreed time within three days from the time of being summoned and assess the damages to the land of the owner of said land, and shall, in estimating said damages, take into consideration any benefit to the owner from the construction of the road. Said freeholders shall make report in writing to the said Clerk in ten days from the time of meeting, and said report shall be recorded by the Clerk and he shall file all papers in the cause in his office. Upon payment to the owner, or to the Clerk for him, the amount so assessed, the title to the land described in the petition shall rest in said company: *Provided*, that either party may have the right to appeal from such finding of the freeholders to the Superior Court of said county, which appeal shall be governed by the law relating to appeals from the Clerk.

Compensation to owners.

Power to condemn land.

Condemnation proceedings.

Appeal.

Principal office; location.

Sec. 12. That the principal office of said railroad company shall be at Warrenton, in the county of Warren, State of North Carolina.

Sec. 13. That this act shall go into effect from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 252.

AN ACT TO INCORPORATE THE TOWN OF LILLINGTON, IN THE COUNTY OF HARNETT.

The General Assembly of North Carolina do enact:

Chapter 111, Private Laws 1871-1872; chapter 58, Private Laws 1899, and chapter 279, Private Laws 1899, repealed.

Section 1. That chapter one hundred and eleven of the Private Laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two, and chapter fifty-eight of the Private Laws of eighteen hundred and ninety-nine, and chapter two hundred and seventy-nine of the Private Laws of eighteen hundred and ninety-nine, be and the same are hereby repealed.

Town of Lillington incorporated.

Sec. 2. That the town of Lillington, in the county of Harnett, be and the same is hereby incorporated by the name of the town of Lillington, and shall be subject to all provisions of the law now in force or hereafter enacted relating to incorporated towns and cities, except as herein provided.

Corporate boundaries.

Sec. 3. That the boundaries and corporate limits of said town shall be as follows, to-wit: Beginning at the southwest corner of the court-house in said town, a line to be surveyed running due west forty chains, then due south forty chains; then due east eighty chains; then due north to Cape Fear River; then up the river with its meanderings eighty chains; then direct to the western terminus of the first line.

Officers.

Sec. 4. That the officers of said town shall consist of a Mayor, five Commissioners, a Marshal, a Treasurer, and a Clerk to the Board of Commissioners, and the following named persons shall fill said offices until the first Monday of May, 1903, to-wit: A. C. Holloway as Mayor; A. P. McPherson, A. F. Johnson, J. A. Rogers, J. E. Caviness and U. H. Parker as Commissioners; J. B. Lanier as Marshal and Allan M. Shaw as Clerk.

Names of officers.

Election of mayor and commissioners, when held.

Sec. 5. That on the first Monday of May, 1903, and every two years thereafter, there shall be held at the court-house in Lillington an election, at which the successors to said Mayor and Commissioners shall be chosen, which election shall be governed in all respects by the rules, regulations and laws governing municipal elections throughout the State, as provided by the general laws of the State.

Election regulations.

Officers chosen by commissioners.

Sec. 6. That the Board of Commissioners chosen at any election held as above provided for, shall at their first meeting held after such election, choose by ballot or otherwise, as they may determine, a Marshal, a Treasurer and a Clerk, who shall serve for two years, or until their successors be elected.

Bonds of treasurer and marshal.

Sec. 7. That the Treasurer and the Marshal shall each enter into a bond in such sum as the Board of Commissioners may direct, with good and sufficient surety, to be approved by the said Board of

Commissioners, payable to the State of North Carolina, conditioned for the faithful performance of their respective duties.

By-laws. Sec. 8. That the said Commissioners shall have power to pass all by-laws and regulations for the good government of said town, as shall not be inconsistent with the laws of the State and of the United States, and may levy a tax on all objects of State taxation, not to exceed thirty-three and one-third cents on each one hundred dollars worth of taxable property located within the boundary limits of said town, and one hundred cents upon each poll within said town, and shall likewise have the right to levy a reasonable tax upon trades and professions, where a levy of the same is not prohibited by the laws of the State.

Tax levy.

Appointed officers to take oath of office. Sec. 9. That it shall be the duty of the officers appointed by this act, within ten days after its ratification, to appear before the Clerk of the Superior Court of Harnett County, or other officer in said county authorized to administer oaths, and take the oath of office prescribed by law for such officers.

Powers of commissioners to condemn land for various purposes. Sec. 10. That the Board of Commissioners of said town of Lillington shall have full power and authority to condemn land for the purpose of draining the town, or any part thereof, or any of the streets or sidewalks thereof, and to that end they, their servants, agents and employees are fully authorized and empowered to enter upon, lay off, construct and maintain any ditch or other waterway over, across and upon any lands of any person or persons or corporations within or without the corporate limits of said town, not to exceed one-eighth of a mile therefrom in any direction they may consider necessary, and the damages in all condemnation proceedings shall be assessed in the manner now prescribed by law.

Damages, how assessed.

Quarantine powers. Sec. 11. The Board of Commissioners may take such measures as they may deem necessary and effectual to prevent the entrance into town, or the spreading therein, of any contagious or infectious diseases, may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such diseases, may cause any person in the town believed to be infected with such contagious diseases, and whose stay might endanger the public health, to be removed to some designated place or places within or without the town limits; may cause to be removed or destroyed such furniture or other article or articles as shall be believed to be tainted or infected with any contagious or infectious disease, or which there shall be reasonable cause to apprehend will propagate disease, and may take all such reasonable steps to preserve the public health as they may deem necessary.

Power to destroy infected articles.

Preservation of public health.

Power to work convicted offenders on streets. Sec. 12. Whenever an offender has been convicted for a violation of a town ordinance and a fine imposed, the Mayor of said town or other officer before whom he shall have been convicted, at the

time of entering judgment may order that on failure to pay the fine to the Marshal of said town or the officer having him in charge, such offender shall be by such officer put to work on the streets of said town for a time to be fixed by the Mayor or other officer rendering the judgment, not exceeding thirty days, when he shall be discharged.

Vagrancy a misdemeanor.

Penalty.

Sec. 13. Any and all persons who may be able to labor, who shall frequent said town and be found therein without any visible means of support, sauntering about without employment, or who shall be found sleeping at night or spending the night in or upon the piazzas of the stores or the court-house in said town, shall be deemed vagrants and guilty of a misdemeanor, and punished by a fine not exceeding fifty dollars, or imprisoned not exceeding thirty days, said offense being cognizable before the Mayor, who may cause such person or persons to be farmed out to work on the public streets or other public works of said town.

Tramps construed to be vagrants.

Sec. 14. That tramps, as defined and punished by sections 3828, 3829, 3830, 3831 and 3832 of chapter 63 of The Code, are subject to the same penalties, punishments and cognizances as vagrants as set forth in the preceding section.

Commissioners may enclose town with fence and gates.

Sec. 15. That the Commissioners of said town of Lillington may cause it to be enclosed, or any specified portion of it to be enclosed, with a fence of wood or of metal, or part of wood and part of metal, with gates in same at the crossings or terminals of the several streets of the town reaching to said fence.

Stock law provisions.

Penalty for violation.

Sec. 16. That the said Commissioners may make an ordinance prohibiting the running at large, within the town limits or within the enclosure surrounded by the fence provided for in the next preceding section, of any horse, mule, cow, hog, sheep, goat or other four-footed animal, under such penalties as said ordinance shall designate, which shall be, however, not inconsistent with the laws of the State; and a violation of such ordinance, if wilfully permitted by the owner of such animal, shall constitute a misdemeanor, cognizable by the Mayor of said town and punishable by a fine not exceeding the sum of ten dollars or imprisonment not exceeding ten days, in the discretion of the Mayor.

Injury to stock law fence may be made a misdemeanor.

Penalty.

Sec. 17. That the said Commissioners shall also have authority to provide by ordinance for the punishment of any person or persons who shall wilfully remove rails from, tear down or otherwise injure any portion of the fence erected by them (the said Commissioners) or caused to be erected by them, under the authority of section 15 of this act, or who shall wilfully remove, injure or leave open any of the gates built in said fence, and a violation of any ordinance made by them prohibiting such acts shall constitute a misdemeanor, cognizable by the Mayor of said town, and shall be punished as

said ordinance may specify: *Provided*, such punishment be not inconsistent with the laws of the State.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 253.

AN ACT TO INCORPORATE THE TOWN OF BUIE'S CREEK.

The General Assembly of North Carolina do enact:

Section 1. That the town of Buie's Creek, in the county of Harnett, be and the same is hereby incorporated under the name and style of "The Town of Buie's Creek," and under and by said name may sue and be sued, plead and be impleaded, contract and be contracted with and acquire and hold property, real and personal, for the use of the town as its Board of Commissioners may deem expedient. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of the town shall be as follows: Beginning at a large pine southwest of C. T. Barnes' residence and running thence north 85 degrees east 3,679.5 feet to an iron pin; thence north 13.5 degrees east 5,610 feet to an iron pin; thence north 76.5 degrees west 3,432 feet to an iron pin, northeast of J. N. Gregory's residence; thence south 13.5 degrees west 6,745.2 feet to the beginning corner. Corporate limits.

Sec. 3. That the officers of said town shall consist of a Mayor, four Commissioners and a Marshal; and the Commissioners when qualified may elect a Town Clerk and such other officers as they may deem necessary to the preservation and regulation of the town's best interest. Officers.

Sec. 4. That until the election hereinafter provided for the Mayor and Commissioners provided for in the preceding section shall be as follows: Mayor, J. McK. Byrd; Commissioners, Rufus Barbee, J. F. McLeod, W. H. Upchurch and F. H. Taylor, who shall hold their respective offices until their successors are elected and qualified. All other officers of said town shall be elected by the Board of Commissioners, and such officers shall be required to enter into bond, payable to the State, for the faithful performance of their several duties, into such amounts as to said board may seem just and reasonable. Names of officers. Officers elected by commissioners. Bonds.

Sec. 5. That there shall be held on the first Tuesday in May, one thousand nine hundred and three (1903), and biennially thereafter, under the same rules and regulations as are prescribed for State Election for mayor and commissioners, when, where, and how held.

elections, in some convenient place in said town, to be designated by the Board of Commissioners, an election for a Mayor and four Commissioners, who shall hold their offices until their successors are qualified. And for the holding of such elections the Board of Commissioners shall appoint one registrar and two judges of election: *Provided*, that it shall be sufficient for the registrar to hold the books open for ten days prior to the day for closing the same for the registration of voters according to law.

Registrar and judges.

Registration books.

Who eligible for mayor or commissioner.

Sec. 6. That any qualified elector in the State who has been a *bona fide* resident of said town for twelve months next preceding the day of the election shall be eligible as Mayor or Commissioner.

Qualifications of voters.

Sec. 7. That all persons entitled to vote in the county of Harnett for members of the General Assembly, and shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to register and vote at any municipal election of said town.

Adoption of ordinances.

Sec. 8. That the Board of Commissioners may adopt and enact such ordinances, rules and regulations as to them may seem best for the government of said town, preserving the peace, abating nuisances and promoting sanitary conditions therein, and may enforce the same by fine not exceeding fifty dollars, or imprisonment not exceeding thirty days in the common jail of Harnett County or on the streets or other public works of said town.

Penalties.

Jurisdiction of mayor.

Sec. 9. That the Mayor of said town is hereby constituted a municipal court, with all the jurisdiction in criminal offenses occurring within the corporate limits of said town, and of all offenses arising under or by virtue of this charter which are now or which may hereafter be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the town ordinances. The Mayor shall likewise have the same jurisdiction as that of justices of the peace to hear and determine all civil actions and causes arising under and by virtue of this act, the ordinances of said town or the general law applicable to towns and cities. The Mayor may issue his process to the Town Marshal or other lawful officer of Harnett County, and the same may be executed anywhere in said county. The proceedings in said court shall be in all respects the same as that prescribed by law for justices of the peace, and the Mayor and all officers of said court shall be entitled to the same fees as are now or hereafter may be prescribed for justices' courts: *Provided*, that the Board of Commissioners may require all fees to be paid by such officers into the treasury of said town.

Process, issue and execution.

Court proceedings.

Fees of officers.

Proviso.

Levy and collection of taxes.

Sec. 10. That the Board of Commissioners of said town shall have the authority to levy and collect, annually, an *ad valorem* tax on all property, real and personal, of not more than twenty-five cents

on every one hundred dollars valuation of the same, and shall at the same time levy and collect a per capita tax not exceeding seventy-five cents on every taxable poll. Said board may also levy and collect, subject to the general law, a privilege or license tax, not exceeding that levied and collected by the State, on all trades, professions, franchises and subjects taxed for State purposes. And to enforce the collection of said taxes the Board of Commissioners may appoint a Tax Collector, who shall be vested with all the authority in the collection of the same as is now conferred or which may hereafter be conferred upon Sheriffs by law.

Tax collector.

Sec. 11. That the Mayor, Board of Commissioners, Marshal and all other officers of said town shall have all the authority and power, not inconsistent with the provisions of this act, which now belong to similar officers, or which may hereafter be conferred upon such officers by the law of the State applicable to towns and cities.

Authority of mayor, commissioners and other officers.

Sec. 12. That it shall be unlawful for any person, firm or corporation to sell, either directly or indirectly, any cigarettes, or any paper for the purpose of aiding any person to make cigarettes; and the gift of any cigarette or cigarette paper, with any other goods purchased, shall be considered and held to be a sale of the same within the meaning of this act.

Sale of cigarettes prohibited.

Gift construed to be sale.

Sec. 13. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors, or any liquor or mixture thereof which will produce intoxication, within the corporate limits of said town, and for the purpose of this act the place of delivery of any such liquor shall be deemed and held to be the place of sale thereof: *Provided*, that this section shall not be so construed as to prevent the sale of such liquors by a drug store, upon the written prescription of a physician: *Provided further*, that no such prescription shall be more than once filled by any druggist without his receiving anew the written directions of a physician.

Manufacture or sale of liquors prohibited.

Place of delivery construed place of sale.

Sale by druggist upon prescription not prohibited.

Proviso.

Sec. 14. That it shall be unlawful for any physician to give any prescription for any intoxicating liquors of any description whatsoever except the same be given for a person *bona fide* sick and under his charge.

Unlawful for physician to give prescription except to one bona fide sick, etc.

Sec. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, A. D. 1903.

Chapter 254.

AN ACT TO INCORPORATE THE BALSAM AND BLACK ROCK RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That John O. Foring, Horace M. Lippincott, F. A. Lincoln, John Blakely and J. W. Ferguson, and such other persons as are now or may hereafter be associated with them, are hereby

Body politic.

created and declared to be a body politic and corporate to exist for the term of ninety-nine years, under the name and style of the

Corporate name.

Balsam and Black Rock Railway Company, and in that name may

Powers.

sue and be sued, plead and be impleaded, contract and be contracted with. Said company shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or in any other way, real and personal property necessary or convenient for the construction, maintenance or operation of its road, and holding, leasing, conveying or in any other way dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may lawfully exercise or enjoy, and may make ordinances,

By-laws.

by-laws and regulations, consistent with the laws of this State and of the laws of the United States, for the government of all under its authority, for the management of its estates and for the due and orderly conduct of its affairs.

May build railroad.

Sec. 2. That said company may, upon its organization as hereinafter provided for, shall have power to survey, lay out, construct and equip, maintain and operate a railroad with one or more tracks,

Route.

from any point within one mile of Balsam Gap, North Carolina, through the county of Jackson in westwardly direction, thence into and through the counties of Swain or Haywood to the Tennessee line by such route or routes as the directors of said company may determine. The said company may also extend said railroad in or through the said county of Jackson to the State line of Georgia or South Carolina, by such route or routes as the said directors may deem most expedient, and may also build and operate extensions and

Branch roads.

branch roads from any point on its main line, and for this purpose shall have all the powers, privileges and rights contained in this act which are hereby made to apply to such extensions and branch roads as well as to the main line.

Powers.

Sec. 3. That for the purpose of surveying, constructing and operating said line or said lines of railroad, said company is hereby empowered:

May enter lands to make survey, etc.

First. To cause such examination and surveys to be made as shall be necessary to the selection and location of the most advantageous route or routes, and for such purpose its officers and agents, ser-

vants and employees may enter upon the land or water of any person or persons.

Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance or operation of its road. May take voluntary grants.

Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary or proper for the construction, maintenance or operation of its road, stations and terminal facilities and all other accommodations, and to condemn, lease or buy land necessary for its use as aforesaid. May purchase and hold property. Condemnation of land.

Fourth. To lay out its road not exceeding one hundred feet in width, and to construct the same and for the purpose of cutting any embankment and obtaining gravel and other materials, to take as much land as may be necessary for the proper construction, operation and security of said road; to cut down any trees that may be in danger of falling on said track or obstructing the right of way, making compensation therefor as provided by law. Construction of road.

Fifth. To construct its road across, along or upon, or to use any stream of water, water-course, street, highway or canal, which the route of its road shall intersect or touch: *Provided*, no railroad shall be constructed along and upon any street without the consent of the municipal authorities: And *provided further*, that said company shall not obstruct or use any highway without first constructing one equally as good as the one taken by the [said company.] May cross, etc., streets, roads, etc. Proviso. Proviso.

Sixth. To cross, intersect or join or unite its railroads with any railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad, with the turnouts, sidings, switches and conveniences necessary or proper in the construction of its road; and to run over any part of any other railroad's right of way, necessary or proper to reach its freight depot in any city, town or village through or near which said railroad may run, or to reach any other point of its right of way otherwise inaccessible. Connection with other railroads.

Seventh. To take and convey persons or property over its railroads by the use of any steam, animals, electricity or other mechanical power, and to receive compensation therefor, and to do all things incident to railroad business. Carrying of passengers and freight.

Eighth. To build and operate telegraph and telephone lines on its right of way or any part thereof, and to charge and receive compensation for the transmission of messages over said lines. Telegraph and telephone lines.

Ninth. To erect and maintain convenient buildings, warehouses, docks, stations, fixtures and machinery within or without a city, town or village for the reception, accommodation and use of its passengers and freight and for its business purposes. Warehouses, stations, etc.

Regulations. Tenth. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor, subject to any law of the State upon the subject.

May borrow money, issue bonds, etc. Eleventh. To borrow such sum of money at such rates of interest upon such terms, not inconsistent with existing laws governing rates of interest, as its board of directors may determine, and for that purpose, if necessary, and with the consent of the stockholders, to issue coupon or registered bonds, in such denomination, bearing such rate of interest, and payable at such time and place, as said board may direct; and to secure the payment of said bonds said company may execute and deliver one or more mortgages or deeds of trust on all or any parts of its railroads and appurtenances, property, franchises and privileges in such manner and form as said board may determine. The registration of any such mortgage or deed of trust may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed therein. Said company may, through its board of directors, sell, hypothecate or otherwise dispose of the bonds hereinbefore authorized to be issued, or any other of its stock, bonds or securities.

Capital stock. Sec. 4. That the capital stock of said company shall be one hundred thousand dollars in common stock or preferred stock, or partly in each, as a majority of the stockholders may determine, with the power to increase the sum from time to time by a majority vote of the stockholders to five hundred thousand dollars: *Provided*, said directors receive a license from the State Treasurer as provided by law for such increase, and obtain the authority from the Secretary of State. The stock of the said company shall be divided into shares of one hundred dollars each, for which, when fully paid, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote; and the stockholders shall not be individually liable for the debts of the corporation. The stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company.

Common and preferred stock.

Increase.

Shares.

Individual liability.

Transfer of stock.

May open books of subscription. Sec. 5. That the incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such time or times, place or places and under such conditions, rules and regulations as they or such majority may deem necessary or expedient; and said incorporators, or a majority of them, may, when five thousand dollars shall have been subscribed, and when they or such majority deem proper, call together the subscribers to said shares of stock at any place in or out of this State, and said subscribers or such of them as shall attend, may then complete the organization of said company by electing a board of directors, to consist of such number as they may determine, and of such officers as they may see fit, not less than

Organization.

Election of directors.

three, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act. Election of officers.

Sec. 6. That subscriptions to the capital stock of said company may be made in money, land or other property, bonds, stock, credits, contracts, leases, options, moneys, minerals or mineral rights, rights of way, or other rights of easements, labor, services, in such manner and on such terms as may be agreed upon by the president and directors of said company; and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereof, to the benefit and use of said company; but before so declaring it forfeited, said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (post-paid), directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which the payment is required to be made. Subscriptions, in what paid. Forfeiture of stock of delinquents.

Sec. 7. That meetings of the stockholders shall be held annually, at such time or place, within or without the State, as may be prescribed by the by-laws. Notice of the annual meeting of the stockholders shall be given by advertisement in a newspaper published in Jackson or adjoining county for two successive weeks: *Provided*, that the principal office of said corporation shall be within the State. Stockholders' meetings. Publication of notice. Proviso.

Sec. 8. That a general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders holding together one-fourth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place where the last annual meeting was held, and by mailing to each stockholder at his post-office address of record, written notice of such meeting ten days prior thereto. At such general meeting all the powers of the company may be exercised, and any business transacted that might be transacted at any annual meeting. Call meetings of stockholders.

Sec. 9. That the election of directors shall be by ballot, and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting, or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in it during the term for which its members have Directors, how elected. Term of office.

Officers, how elected.

been elected. The president of the company, and such other elected officers as may be provided for by the by-laws, shall be annually elected by the directors from among their number in such manner as the regulations of the company shall provide, and shall hold the offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the board of directors, and may be one and the same person. The board of

Executive committee.

directors may appoint an executive committee from among its members, which shall exercise all the powers of the board when the board is not in session. Meetings of the board of directors and the executive committee may be held within or without the State. The

By-laws.

board of directors shall have power to adopt by-laws, subject, however, to amendment, and repeal by the stockholders.

Purchase, etc., of other railroads.

Sec. 10. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed, or that may hereafter be constructed in

Consolidation with other railroads.

this State or elsewhere. It is also hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this or any other State, upon such terms and under such name as may be agreed upon, when the two or more railroads to be merged shall form a continuous line of railroad with

Sale, etc., to other railroads.

each other or by means of intervening road or roads. It may assign or lease its property or franchises, or any part thereof, to any other railroad company incorporated by the laws of this State or any other State, and the railroad leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing; and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the company incorporated by this act. Any of the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the company concerned in such manner and on such terms as the stockholders

May purchase, etc., stock, etc., of other railroads.

of each company may determine. The company incorporated by this act may subscribe to, purchase, guarantee or endorse the capital stock, bonds or other securities of any other railroad corporation now in existence, or hereafter projected in this State or elsewhere, and any other such company may subscribe to, purchase or guarantee or endorse the capital stock, bonds or other securities of this company.

Operation of part of line.

This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed.

Sec. 11. That the president and directors of said company shall have power to make such expenditures and contract such debts as shall be necessary for the construction and operation of its railroad and business. Powers of officers and directors.

Sec. 12. That the said company shall enjoy all the benefits and be subject to the provisions of sections one thousand nine hundred and forty-three, to one thousand nine hundred and fifty-one, both inclusive, of chapter forty-nine, Volume I of The Code of North Carolina in respect to the acquisition of land by condemnation. Code. Condemnation proceedings.

Sec. 13. That it shall and may be lawful for any county, township, city or town, in or through which the said road may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums in bonds or money, as a majority of their qualified voters may authorize, and County Commissioners of such county, or the municipal authorities of such town to subscribe. Counties, towns, etc., may subscribe to stock.

Sec. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 255.

AN ACT TO INCORPORATE THE LILY MILL AND POWDER COMPANY.

Whereas, under the general corporation law there cannot be attained the privileges of constructing and operating a railroad and the rights of eminent domain, as given and provided in sections five, six, seven and eight of the charter following: Therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That H. F. Schenck, Chas. C. Blanton, J. E. Reynolds, Robert L. Ryburn and J. F. Schenck, and their associates and successors, be and they are hereby declared a body politic and corporate under the name and style of the "Lily Mill and Powder Company," and by that name shall have sixty years' succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act. Incorporators. Body politic. Corporate name. Powers.

Sec. 2. That the capital stock of said company shall be one hundred thousand dollars, and may be increased from time to time in the manner and under the regulations prescribed by the general Capital stock. Increase.

corporation law, to an adequate amount by the issue and sale of shares of common or preferred stock, or both, but the par value of each share of stock shall be one hundred dollars; and the directors, with the like approval of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property, in payment of subscriptions to the capital stock; and may make such subscriptions payable in such manner or amounts, and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed for and the sum of one hundred thousand dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and thereafter they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. Every subscriber to or holder of the stock of said company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Common and preferred stock. Shares.

Payment of subscriptions.

May organize, when.

Directors.

Officers.

Individual liability.

Sec. 3. It shall be lawful for the said corporation, upon such terms as the stockholders or board of directors by their authority may determine, to borrow money, to issue its notes, obligations, bonds and debentures, from time to time as they may elect, and so secure the same by mortgage or mortgages on its property and franchises in whole or in part, as they may deem necessary or expedient; and it shall be lawful for the said corporation to acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any of the United States.

May borrow money, issue bonds, etc.

May be stockholder in other corporations.

Sec. 4. That the said company is authorized and empowered to supply to the public, including both individuals and corporations, whether private or municipal, anywhere in the State of North Carolina, power in the form of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms for use in driving machinery, and for light, and all other uses to which the power so supplied can be applicable, and to fix charges, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from an initial point on First Broad River in Cleveland County, or

May supply electricity, power, etc.

Location of plant.

any stream not navigable within the State of North Carolina, where the company may establish a plant, either directly to consumers or users, or to a distributing point, in the town of Shelby, and from the same or any other initial point in the said State of North Carolina, either directly to consumers or users, or to any other distributing point in North Carolina, which the said company may establish, by the most practicable route, to be determined by the board of directors of the company, lines for the transmission of power by wires or poles, or underground, and by cable pipes, tubes, conduits, and all other convenient appliances for power transmission, with such connecting lines and also such branch lines as the board of directors of the company may locate or authorize to be located for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell or otherwise dispose of, water-power and water privileges in the State of North Carolina, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means and for storing, using, transmitting, distributing, selling and developing power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors, and all other works, structures and appliances in the State of North Carolina: *Provided,* that the amount of land which the company may at any time hold within the State of North Carolina for any one water-power and appurtenant works, as well as the land flowed or submerged with the water accumulated by dam, shall not exceed two thousand acres, exclusive of right of way: And *provided further,* that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall, upon application from the company, prescribe.

Establishment of wire, pipe, and other lines.

Water-power, etc.

Proviso.

Proviso.

Sec. 5. That said company be and it is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electrical power or other power, a railroad between the town of Shelby and Stice's Shoals, in Cleveland County, and from said road to locate, construct, equip, operate and maintain any lateral or branch roads, any one of which shall not exceed ten miles in extent, and by such route or routes, as may be selected by its board of directors, and said company may operate or lease any such lateral or branch road which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and it may pay for the same with money or by the issue of stocks, notes or bonds, and said company may connect or unite its route with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies, operating or authorized to operate

May build railroad.

Route.

Branch roads.

Connection and consolidation with other railroads.

the connecting railway or railways, upon such terms and under such name as may be agreed upon between the company so uniting or connecting, merging or consolidating, and for that purpose power is hereby given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connections, merger or combination, or any lease or sale; and said company shall have power to make and convey persons or property over its roads, and to receive compensation therefor, and to do all things incident to railroad business.

May furnish electricity for lights, etc.

Sec. 6. That the said company shall have power, in addition to the powers heretofore enumerated, to carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purposes of lighting, heat and power, and to furnish and to sell and contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminating purposes, or as motive power for running and propelling engines, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used, and

May supply gas, etc.

to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, gas and all other kinds of power, forces, fluids, currents, matter and material, used or to be used for the purpose of illumination, heat and power; to carry on any and all business in anywise appertaining to or connected with the manufacture and generating and distributing and furnishing of electricity for light, heat and power purposes, including the transacting of any and all business in which electricity is now or hereafter may be utilized, and all matters incidental or necessary to

Manufacture and sale of machinery, etc.

the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used in, or which may be required or deemed advisable for or in connection with the utilization of electricity or anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery,

May supply water, etc.

apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water powers; to supply water to persons, corporations, factories, towns and cities for domestic purposes and for use as power, and for manufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed advisable or expedient;

May construct and operate canals, railroads, street railways, pipe lines, etc.

to construct, acquire, build and operate, maintain and lease in the State of North Carolina, canals, ditches and flumes and pipe lines for the conducting of water; to maintain and operate railroads and cross the same, street-railways, water lines and tram-ways, carry freight and passengers thereon, and to charge, collect and receive

Telegraph and telephone lines.

tolls or taxes for the same; to construct, build, purchase, buy, own,

hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines, and for the transmission of messages thereon, as may be deemed advisable or expedient; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways and other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street-railroads, motor lines and tram-ways to any other company or companies incorporated for the purpose of maintaining and operating a railroad, street-railroad, motor line or tram-way, and to lease or operate, maintain and operate any part or all of any other railroad constructed by any other company, upon such terms and conditions as may be agreed upon between said companies respectively; to apply to the proper authority of any incorporated city or town, or of the county in the State of North Carolina, in which the railway, street-railways, motor lines, tramways, telegraph lines, telephone lines, electric light and power lines, plants, underground conduits, subways, wires, poles and appliances of this corporation may extend, or be designed or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises, for the maintenance or operation thereof; to accept, receive, own, hold, lease all and singular the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company, or which may be hereafter so granted by the proper authorities of any such incorporated city or town or of any county in the State of North Carolina; to purchase, acquire, lease, rent, own, hold and improve real property in such quantities as may be deemed expedient; to build dwelling-houses, and to build and operate stores, mills, schools, factories, warehouses and any and all other buildings or structures desirable or convenient; it may in any way it may desire manufacture, handle and deal in cotton, wool, jute, hemp, silk or any other texture, either singly or in combination of two or more of them; to build, construct, maintain, operate, buy and sell wood, cotton and wool factories, iron furnaces and mines, to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plot any real property, belonging to or acquired by the corporation, into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plot and dedicate to public use or otherwise streets, avenues, alleys and parks; to purchase, possess, own, hold, rent, lease and improve all and any property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation, or to the transaction

May buy, etc., land and erect buildings.

Manufacture of cotton, wool, etc.

Iron furnaces and mines.

of its business, or any part thereof, and to do and perform all and other matters and things necessary, proper or convenient for its accomplishment of the objects (and any thereof) above specified.

May enter lands to survey, etc.

Sec. 7. It shall be lawful for the president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring or surveying public or *quasi* public works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works shall have been determined upon, and a survey of the same deposited in the office of the Clerk of Superior Court of the county wherein said works are located, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold, use and locate any such lands, and to erect all the structures necessary and suitable for the completion or repairing of said works, subject to such

Proviso.

compensation as is hereafter provided: *Provided, always,* that payment or tender of payment of all demands for the occupancy of all lands upon which the said works may be laid out be made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent

Proviso.

of the owners be first had and obtained; And *provided further,* that such locating of its works and filing of its surveys in the office of said Clerk of Superior Court shall not preclude said company from making, from time to time, other location of works and filing surveys of the same, as its business or development requires.

Condemnation of lands.

Sec. 8. When any land and right of way may be required by said company for the purpose of constructing and operating its railroads or other works, for public or *quasi* public nature, lands required for pondage being deemed of *quasi* public nature, and for want of agreement as to the value thereof, or for any other cause,

Procedure.

the same cannot be purchased from the owner, the same may be taken at a valuation of five commissioners, or a majority of them, to be appointed in term time by petition to the Judge of the Superior Court of the county where some part of the land is situated, or by the Clerk of the Superior Court of said county. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless,*

Proviso.

that if any person or persons on whose land the works may be located, or if the said company shall be dissatisfied with the valuation of the commissioners, then in that case the party so dissatisfied

Right of appeal.

may file exceptions to the valuation in the pending proceedings, subject to the same rules, regulations and restrictions as in any other like cases. The proceedings of the said commissioners, with a full description of the land, shall be returned under the hands

and seals of a majority of them, to the county from which the commission issued, thereafter, on confirmation by the Judge, to remain a matter of record and also to be registered in the office of the Register of Deeds of each county wherein the land condemned lies, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days' notice had previously been given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such owner or owners, or if the owner or owners who are not under disability, or the guardian of such owners as are under disability, cannot be found in the county, or the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper printed in the vicinity of the court-house of the county in which the application is made: And *provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any Clerk of the Court, justice of the peace or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent.

Proviso.

Publication of notice.

Oath of commissioners.

Proviso.

Sec. 9. Every stockholder in the company shall, at all meetings or elections, be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held in the town of Shelby, where the principal office of the company shall be, or elsewhere in the State of North Carolina, at such times and places as the stockholders may in the by-laws prescribe, and power is given the stockholders to change the location of the principal office of the company at any time.

Voting power.

By-laws, etc.

Principal office.

Sec. 10. The board of directors shall be composed of stockholders of said company, and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company shall direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of office; and they shall choose one of their number president, and in case of death, resignation or incapacity of any member of the

Directors.

Term of office.

President.

board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 256.

AN ACT TO AMEND THE CHARTER OF THE ALAMANCE LOAN AND TRUST COMPANY.

Preamble.

Whereas, James H. Holt, Eugene Holt, R. L. Holt, James N. Williamson, Jr., and E. P. Wharton did, in the month of March, 1902, file an organization certificate in the office of the Treasurer of the State for the purpose of organizing a bank in accordance with the provisions of chapter 769 of the Public Laws of 1901, and said persons and their successors did thereby become a corporation empowered to do a banking business; and

Charter from State Treasurer amended.

Whereas, the said corporation desires to amend its charter to the end that it may possess powers not included in the provisions of the said law under which it was organized, and which cannot be obtained otherwise than by an act of the General Assembly: Now, therefore,

The General Assembly of North Carolina do enact:

Principal office.

Section 1. That the principal office or place of business of the said corporation shall be in Burlington, Alamance County, but said

Branch offices.

corporation shall have power to establish offices and agencies at such other places within the State as it may deem proper, and it shall have power at such places to conduct its business in all its branches under such rules and regulations as its board of directors may prescribe.

By-laws.

Sec. 2. Said corporation shall have authority to determine what officers it shall have, and it shall make all needful by-laws, rules and regulations that may be necessary to conduct its business in

Powers.

accordance with the provisions of this act, and it shall have power to make contracts, use a common seal, and sue and be sued in all courts as fully as natural persons, to buy, hold, possess and convey real, personal and mixed property, and do all lawful acts and doings and exercise all lawful powers and privileges which a corporate body may do or exercise.

General banking business.

Sec. 3. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership

or corporation, to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property or interests therein of any description, situate anywhere, to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, to charge any rate of interest on any such loans not exceeding the rate allowed by law.

May be stockholder in other corporations.

Sec. 4. That the said corporation may become the owner of the capital stock of other corporations, either by subscription or by purchase, and by its duly constituted agent may cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporations, and it may do the business of general dealer in stocks, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or business; may negotiate or place in behalf of any corporation, company, partnership or person, shares, stock, debentures, notes, mortgages or other securities with or without guaranty or collateral obligations by said company; may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any person or other corporation for any portion of its bonds, securities, obligations or capital stock, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree to, as an investment or otherwise.

Dealing in stocks, bonds, etc.

Deposits.

Powers.

Savings bank business.

Sec. 5. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by the board of drectors, and to pay interest thereon at fixed rates or by way of dividends, and out of the net earnings according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Deposits of married women and minors.

Sec. 6. That said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to

such minor or married woman on his or her receipt or acquittance or his or her check drawn against such deposit, shall be a valid release and discharge to such corporation for such deposit, and any interest thereon, or any part thereof.

Surety and bonding business.

Sec. 7. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice as fully as natural persons, by the signature and justification of any of its executive officers authorized by the rules and regulations of the corporation to do so.

May act as agent, factor, etc.

Sec. 8. That said corporation shall have power to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, town, municipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this chapter.

May act as trustee, executor, etc.

Sec. 9. That said corporation shall have power to receive money in trust; to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons; and it shall have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate, or trust created in accordance with the laws of this State, and execute the same on such terms as may be established and agreed upon by the board of directors.

May act as assignee, guardian, etc.

Sec. 10. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Alamance Loan and Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and upon such settlement or adjustment all proper, legal and customary charges, costs and expenses shall be allowed to such corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken,

Subject to orders of court. Proviso.

in order for qualification to any of the offices or trusts above mentioned, may be taken by any officer of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals. Qualification by officers of corporation.

Sec. 11. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of the State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company. Depository for funds in litigation, etc. Safety deposit business.

Sec. 12. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about such storage business as are not contrary to law, and the receipts issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the bearer thereof to the property marked and designated therein in such manner as the original holder would be had not such an assignment been made. Storage warehouse business. Warehouse receipts negotiable.

Sec. 13. That the corporation shall have power to increase its capital stock to any amount that a majority in value of its stockholders may deem best: *Provided*, the capital stock shall in no event exceed the sum of one hundred thousand dollars. Increase of capital stock. Proviso.

Sec. 14. That this act shall be in full force from and after the date of its ratification.

In the General Assembly read three times and ratified this the 4th day of March, A. D. 1903.

Chapter 257.

AN ACT TO INCORPORATE THE HIGH POINT FIRE INSURANCE COMPANY OF HIGH POINT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. That W. P. Pickett, J. J. Cox, J. P. Redding, E. A. Snow, F. M. Pickett, W. G. Bradshaw, C. M. Hauser, D. A. Stanton and J. Elwood Cox, and all persons who may hereafter be associated with them by and under the name and style of the High Point Fire Insurance Company, are hereby made and constituted a body politic and corporate, to have perpetual succession, and by that name said corporation shall have and is hereby vested with all franchises, rights, powers and privileges that any and all other insurance companies of like character and chartered and doing business in this State have, or that may hereafter be granted them.

Corporate name.

Body politic.

Powers.

Powers. Sec. 2. That by and under the name aforesaid the said corporation may sue and be sued, appear, prosecute and defend in any courts or elsewhere, and may have and use a common seal, which it may alter at pleasure; to elect such officers as it may deem necessary, and may purchase and hold such real and personal estate as it may deem advisable or necessary to effect and carry out the objects of this company, and may sell and convey the same at pleasure; and may make, establish and put into execution such by-laws as are necessary for the accomplishment of the objects of the provisions of this act.

By-laws.

May buy, etc., real and personal property. Sec. 3. The corporation hereby created shall have full power to make contracts, to buy, hold, possess and convey real and personal property; to invest all moneys coming into its possession in real or personal estate, bonds, mortgages, gold, silver, stocks or securities of any description, and have full power to sell and convey the same, or to change the character of investment from time to time, as the interests of this company may require, and subject to the provisions of the general insurance laws of the State.

Board of directors. Sec. 4. That the affairs of this company shall be governed and managed by a board of directors, to consist of not more than nine nor less than five, as may be fixed by the by-laws of the company.

General fire insurance business. Sec. 5. That said company may insure all kinds and classes of property, real, personal or mixed, and to that end and for that purpose may issue policies of insurance duly signed by its president and secretary, against loss or damage by fire, lightning, wind, tornado, marine, occupancy and unoccupancy, sprinkler pipes, as the directors may deem proper; and this company is hereby vested with all powers that any insurance company now has or may have to transact business in this State, and may charge such premiums as may be agreed upon by this company and the party or parties insured, and

Issue of policies.

Powers.

that said policies when so issued shall be secured and guaranteed in such manner and in such way and to such extent as the board of directors may in their discretion determine, consistent with the full protection of the insured and the laws of this State. Guarantee of policies, etc.

Sec. 6. That the corporation hereby created shall have a capital stock of fifty thousand ($50,000) dollars, divided into five hundred (500) shares of the par value of one hundred ($100) dollars each, with the privilege of increasing the same from time to time to a sum not exceeding one hundred and twenty-five thousand ($125,000) dollars when a majority of the stockholders shall so determine, and that when said fifty thousand shall have been subscribed and twenty-five thousand ($25,000) dollars of said stock shall have been paid in, the stockholders shall have the right, privilege and power to organize and commence business: *Provided*, that this shall not be construed as releasing the stockholders from the obligations to pay in the balance of said subscribed stock within twelve months. Capital stock. Shares. Increase of capital stock. May begin business, when. Proviso.

Sec. 7. That the stockholders shall annually elect the said board of directors, who shall serve for one year, and that the first meeting of the stockholders of this company may be held at any time or place in the city of High Point after the twenty-five thousand ($25,000) dollars named in section 6 shall have been paid in, upon three days' notice given by a majority of the incorporators named in section 1 of this act. Election of directors. First meeting of stockholders.

Sec. 8. That the board of directors shall elect annually a president, secretary and treasurer, and such other officers as they may see fit, immediately after each and every annual meeting of stockholders, and may require of such officers such bonds for the faithful discharge of their duties as shall be designated in the by-laws of the company. Election of officers. Bonds required.

Sec. 9. That the home office and principal place of business of this company shall be in the city of High Point, in the State of North Carolina. Home office.

Sec. 10. That the stockholders shall not be individually liable for any loss or damage in their person or property other than the property they have in the capital stock or funds of the company, to the amount of shares respectively held by them and any profit therefrom not divided. Individual liability.

Sec. 11. That the board of directors may deposit, invest and employ the funds of the company in such way and manner as in their judgment the interest and welfare of the company may require, and that nothing herein contained shall be so construed as to prevent the company receiving any of the benefits or complying with any general insurance law that may hereafter be enacted. Deposit and investment of funds.

Sec. 12. That this company shall have power to represent, as agent or attorney, any insurance company or any corporation May act as agent or attorney for other corporations.

authorized to do business under the laws of the State of North Carolina.

Voting power.

Sec. 13. That in all meetings of the stockholders of said company, whether regular or special, each share of stock represented in person or by proxy shall be entitled to one vote.

By-laws.

Sec. 14. That the by-laws of said company shall be ratified by a majority of the stock thereof.

Conflicting laws repealed.

Sec. 15. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 258.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter 109 of the Private Laws of the year 1901, being an act to incorporate the town of Spencer, is hereby amended as follows: Strike out the word "four" in line 4 of section 4, and insert the word "six," so that there may be six aldermen in said town instead of four.

Number of aldermen increased to six.

Term of office of mayor and aldermen.

Sec. 2. Section 6 of said chapter is amended by adding to said section the following: The tenure of office of the said Mayor and Aldermen elected in May, 1904, and at any regular election thereafter, shall be two years and until their successors are qualified.

Election every two years.

Election of aldermen.

Sec. 3. Section seven of said chapter is amended by striking out the word "three" in line 2 and inserting the word "two." On Tuesday after the first Monday in May, 1903, there shall be an election of two Aldermen, who shall hold their offices for one year and until their successors are qualified.

Town marshal removable by mayor and aldermen.

Sec. 4. Section eight of said chapter is amended by adding thereto the words "and Aldermen."

Tax rate.

Sec. 5. Section eighteen of said chapter is amended by striking out "fifteen cents" in line three and inserting "one dollar," and by striking out in line three the word "three" and inserting "one," and by striking out in line four the figures "$300" and inserting "$100."

Sec. 6. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 259.

AN ACT TO INCORPORATE THE BANK OF AYDEN, N. C.

The General Assembly of North Carolina do enact:

Section 1. That Joseph Dixon, John R. Smith, R. C. Cannon, Jesse Cannon, W. F. Haet, R. H. Garris, J. B. Gardner and Wm. H. S. Burgwyn, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of The Bank of Ayden, with its principal office and general place of business at Ayden, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court in the State, and have a continual succession for the term of sixty years. Incorporators. Body politic. Corporate name. Principal office. Term.

Sec. 2. The capital stock shall not be less than ten thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not to exceed one hundred thousand dollars. Capital stock. Shares. Increase.

Sec. 3. That the corporators named herein, or any three of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they may determine; and the stockholders, or a majority of them, may at any time at any general meeting called after the organization of said corporation at their discretion, reopen books of subscription to said capital stock until the same as herein limited is wholly taken. Books of subscription.

Sec. 4. Whenever ten thousand dollars shall be subscribed and paid into the capital stock of said bank, the beforementioned corporators, or any three of them, may call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, and such stockholders may elect such directors and so many as they may deem proper and sufficient, who shall hold their offices one year or until their successors are elected, with power in said board of directors to fill all vacancies occurring in their body until any general election thereafter; and said directors may elect a president, vice-president, attorney, cashier, teller, bookkeeper, and all other such officers as may to them be deemed necessary, to serve during their continuance in office or until their successors shall be elected or appointed by said board of directors. First meeting. Organization. Officers and directors.

Sec. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of the corporation, consistent with such by-laws as may be adopted by the stockholders; they may regulate the terms and rates on which loans may be negotiated and discounts made, not to exceed the rate allowed by law; Common seal. Powers.

deposits may be taken, and out of the profits of the business dividends shall be declared; they shall fill all vacancies occurring among the officers or agents of said corporation; they may call meetings of the stockholders at such times and upon notice as they may deem proper; and at all such meetings of the stockholders said stockholders may be represented by written proxy, and each share shall be entitled to one vote.

Voting power.

General banking business.

Sec. 6. Said bank may receive and pay out all lawful currency of its own issue, under all rights, powers and authority and under such restrictions as may be imposed by the laws of this State and of the United States as to circulation by State banks; may deal in exchange, gold and silver coin, current and uncurrent paper, public, municipal and other securities, and for the purpose of aiding planters, manufacturers and others said bank shall and may have power to loan any sum or sums of money and to secure the repayment of the same by taking in writing a lien or liens upon the crops to be raised or upon any article or articles then in existence, and shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; said bank shall also have power to receive in storage or warehouse any cotton, tobacco, wheat, corn, peanuts, potatoes, oats or any other article of produce, trade or manufacture as a pledge or pledges for the repayment of the money or moneys loaned upon the faith of the sum so due or advanced thereon; and upon failure to pay at the time agreed upon, said property may be sold, after advertising the same as required for sale of personal property under chattel mortgage; said bank may discount notes and other evidences of debt, buy or sell and otherwise deal in all commercial paper of every kind; may loan money to and receive deposits of the same from any and all persons, including corporations, minors, *feme covert*, and upon such terms as to the manner and time of collection and payment as may be agreed upon, and may charge such rates of interest as allowed by the laws of the State, and may take and receive such interest at the time of making such loan or at such times as may be agreed upon; said bank may invest in stocks, bonds or other securities of this State, the United States, or any corporation, public or private, of this or any other State in the Union, and may issue its own obligations in such denominations, payable at such time and manner as it may see fit.

Storage warehouse business.

Deposits.

May purchase, etc., real property, etc.

Sec. 7. The said bank may purchase and hold property, real, personal or mixed, and such as may be conveyed to it to secure or satisfy any debt due it or for any other purpose, or any sold under any mortgage, execution or order of court to satisfy any debt due it, and may sell and convey the same at pleasure and use or reinvest the proceeds thereof as it may deem best.

Deposits of married women and minors.

Sec. 8. That whenever any deposit shall be made by any minor or *feme covert*, said corporattion may at its discretion pay sueh minor [or] *feme covert* such sum or sums as may be required by them from such deposit; and any check, draft, order, receipt or acquittanee of such minor or *feme covert* shall be to all intents and purposes valid in law to discharge the said corporation from any and all liability on accounnt thereof.

Sale of stock of delinquents.

Sec. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire amount upon said stock shall be due and may be recovered in the name of the said corporation by civil action, either in the county of the offiee of said corporation or of the residenee of said delinquent, or the entire stock of the said delinquent may be sold in the town of Ayden after ten days' notiee at the door of said bank by posting, and if the proceeds thereof shall not be sufficient to discharge the amount unpaid, with all eosts and expenses of such sale, the delinquent shall be liable for the balance found still deficient, to be collected as aforesaid by eivil action; or such stock, after ten days' notiee given by the eashier to sueh delinquent in writing, may be sold privately to best and highest bidder on the market. And if any subseriber shall assign his stock before full payment, he and all subsequent assignees shall be liable to said eorporation jointly and severally, and such subscription shall be a promissory note with the assignee's thereof endorsers payable to said corporation.

Assignment of stock before payment.

May act as agent, factor, etc.

Sec. 10. That said bank shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, eompany or individual on such terms as to compensation and eommission as may be agreed upon, in registering, selling, countersigning, eollecting, acquiring, holding, dealing and disposing of [on] account of any State, county, township, town, municipality, corporation, company or individual, any bonds, certifieates of stock, notes of any description, of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stoek, notes, etc., and generally for managing such business; and for doing any and all other matters and things authorized by this charter said eorporation may charge such premium, commissions or rates of compensation as may be agreed upon and which is not prohibited by law.

Safety deposit business.

Sec. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, preeious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title and all other things of value which may be left on deposit with [said] corporation for safe-keeping; and shall be entitled to charge such commissions or eompensation as may be agreed upon, and said bank is authorized and empowered to accept and exercise any trust of any and every other description which may by its consent be committed

May execute trusts, etc.

or transferred to it by any person or persons whomsoever; by any bodies, politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian or assignee whenever such appointment is made or conferred by any person or persons or court of the State or United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals in the same capacity.

May act as executor, guardian, etc.

Individual liability.

Sec. 12. Each stockholder shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Savings bank business.

Sec. 13. Said bank is fully authorized and empowered to organize, in connection with its general banking business, a department for savings, and to do a general savings bank business and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable it to receive deposits in said savings department in any sum or sums as desired in any single case; and may give certificates or other evidences of deposit and to pay such interest as may be agreed upon, not exceeding the rate allowed by law, and to regulate the time of payment and notice of demand; and the same officers elected by the board of directors for the general business may be also placed in control of the savings department. That such savings department shall in no wise be considered separate and distinct from said corporation, but in all respects be a part and parcel thereof and regulated by the provisions of this act; and to the savings department the bank itself shall be liable for their final payment as to its general depositors and creditors.

Establishment of agencies.

Sec. 14. The president and directors may establish agencies of this bank at such times and places as they may designate, and such agencies may be removed or terminated at any time; such agencies shall have the same powers as are prescribed for the corporation hereby chartered, and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of the said bank: *Provided*, that the license tax be paid to the Treasurer of the State of North Carolina and a receipt for said tax from the Treasurer shall be a sufficient power and authority to establish the said agency under this act.

Rules and regulations.

Proviso.

Former banking business to accept this charter, etc.

Sec. 15. That the business in the town of Ayden, North Carolina, known as the Bank of Ayden, a general banking business conducted by the incorporators herein mentioned and their associates, shall be deemed and considered as organized under this act and entitled to its provisions whenever the said incorporators shall meet together and accept this act, their acceptance to be noted in the record kept of said meeting; and the said record shall be evidence of the organization of the said Bank of Ayden under the provisions of this act.

Sec. 16. The said Bank of Ayden is hereby granted two years from the passage of this act within which to complete its organization. Time in which to organize.

Sec. 17. This act shall be in force and effect from its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 260.

AN ACT TO AMEND CHAPTER 238 OF THE PRIVATE LAWS OF 1889, AND CHAPTER 179, PUBLIC LAWS OF 1897.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and thirty-eight (238) of the Private Laws of eighteen hundred and eighty-nine (1889), be amended by inserting between the word "expire" and the word "and" in line fourteen (14) of section four (4) of said chapter, the following clause: "*Provided*, that on the first Monday in May, in the year nineteen hundred and three (1903), there shall be elected three Aldermen to serve for a term of one year, and three Aldermen to serve for a term of two years, and thereafter, on the first Monday in May of each year, there shall be elected three Aldermen for the term of two years to take the place of those whose terms expire." Charter of town of Hickory amended. Election of aldermen.

Sec. 2. That chapter one hundred and seventy-nine (179) of the Public Laws of eighteen hundred and ninety-seven (1897) be amended by adding to section 2 the following: "*Provided*, that on the first Monday in May, in the year 1903, there shall be elected three school trustees to serve for a term of one year, and three other school trustees to serve for a term of two years." Former graded school law amended. Election of school trustees.

Sec. 3. That at said election for the year 1903 all persons voting for Aldermen and school trustees in the city of Hickory shall cast a white paper ballot, without device, on which is written or printed, if voting for Aldermen, the words "For Aldermen, Long Term," and on the same ballot "For Aldermen, Short Term," and if voting for school trustees the words "For School Trustees, Long Term," and on the same ballot "For School Trustees, Short Term." Ballots.

Sec. 4. That the three persons receiving the highest vote marked "For Aldermen, Long Term," shall be declared elected to serve two years, and the three persons receiving the highest vote marked "For Aldermen, Short Term," shall be declared elected to serve one year, and the same rule shall apply in declaring the election of school trustees. Term of office, etc.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, A. D. 1903.

Chapter 261.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY, CHAPTER 62, PRIVATE ACTS 1887, AS TO WATER SUPPLY, ELECTRIC LIGHTS AND POWER PLANT.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That the charter of the town of Mount Airy, as contained in chapter 62, Private Laws of 1887, be amended by adding

Sections added.

the following sections, and the same is hereby amended in so far as is necessary to incorporate and include the following, and no further; and that subject to the following added sections the same shall remain in full force and effect.

Water-works, electric lights and power.

Sec. 2. That the incorporation of the town of Mount Airy shall have power and authority to establish and construct, and at all times to maintain, in the town of Mount Airy, a system of water-works, electric lights and power plant, and for the purpose of sup-

Powers.

plying the said town, its inhabitants and others near thereto with water, electric lights and motive power for all public and private uses and purposes for which they may be desired, may charge, demand and collect reasonable rates for the use and privilege of water and of the electric lights and motive power. That the said town of Mount Airy shall have power to contract for and buy and own any water-power outside of the limits of the said town and within five miles of the outside limit, and may sell, receive and collect reasonable charges from parties outside of the town of Mount Airy for the use of said water-power and electric lights as may be agreed on: *Provided*, that at all times the town and its inhabitants shall be first fully supplied with water and lights; and for the purpose of carrying into effect this power and use the town of Mount Airy

May borrow money, issue bonds, etc.

shall have power and authority to borrow money, to make, negotiate and dispose of its promissory notes, bills, bonds, with or without coupon interest notes attached, to mortgage its property and tax franchises to secure the payment thereof.

May lay water-mains, etc.

Sec. 3. That the said corporation shall have power at all times to lay off, build and construct, maintain and repair, tap and remove all necessary pipes, mains, conductors, stand-pipes, hydrants and fixtures and appurtenances in, upon, through and over any and all roads, streets and avenues, lanes, alleys and bridges within said town of Mount Airy and vicinity, and also full power to dig any and all kinds of wells, artesian or otherwise, that may be desired for getting water supply or establishing electric light and motive power: *Provided, however*, that the said town of Mount Airy shall at its own expense and cost repair and replace and return all streets, roads, lanes and alleys and avenues so used by it, and leave them in as good condition as was before its use. Said town of Mount Airy,

its officers, agents and servants, may enter upon the land of any person or corporation for the above purposes, and may contract for and purchase the same; in case the owner of the land and the Commissioners of the town of Mount Airy cannot agree as to the price and the damage done thereon, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder of the town, and in case the owner of the land refuses to choose one arbitrator, then the Mayor of the town of Mount Airy shall select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, who shall also be a citizen and a freeholder of the town, and who, together as a board, go upon the lands condemned, examine and ascertain the damage sustained, take into consideration the peculiar or special benefits accruing to such owner, if any, and the award of such arbitrators, or a majority of them, shall be conclusive of the rights of the parties, and shall vest in the town the right to use the land and franchises for the purpose specified, and all damages and awards found shall be paid as other town liabilities by taxation: *Provided, always,* that either party may appeal to the Superior Court in the county of Surry, North Carolina: *Provided,* that the power and authority hereby granted shall extend to and effectual to and in the county of Surry within five miles of the outside limits of the incorporation line of the town of Mount Airy, except when the land owner shall refuse to select an arbitrator, then the Clerk of the Superior Court of Surry shall appoint one, who may be a citizen outside of the town: *Provided further,* that the town of Mount Airy shall have power and authority to buy, maintain, keep and repair as heretofore named in this section all roads, rights of way, egress and ingress from the said town to the water-power or water supply, and shall have power to place, build and maintain all necessary poles, stakes, monuments for the purposes as is heretofore named.

May purchase land, etc.

Condemnation of land.

Procedure.

Assessment of damages.

Proviso.

Sec. 4. That the Commissioners of the town of Mount Airy are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources and conduit of said water supply, and any and all persons who shall wantonly, maliciously or negligently interfere with the sources of the water supply of said town, or shall place in the water used by the said town before distribution, or while in pipes, mains, reservoirs, aqueducts or wells, any poisonous or unwholesome materials or matter calculated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $50 or imprisoned not more than thirty days: *Provided,* the provisions of this section shall have power and authority in Surry County, within five miles of the incorporate limits of the town of Mount Airy: And

Rules and regulations.

Misdemeanor to interfere with source of water supply.

Territorial jurisdiction of mayor, etc., extended.

provided, further, that the Mayor of Mount Airy shall have jurisdiction over offenses and violations of ordinances committed within five miles of the outside limits to the same extent and in like manner that he now has within the corporate limits.

Misdemeanor to injure, etc., property of waterworks, etc.

Sec. 5. Any person who shall wilfully, wantonly, maliciously or negligently tap, remove, obstruct, injure, deface or destroy any main, pipe, fire-plug, wire, pole, hydrant, tank, stand-pipe, well, reservoir, aqueduct, pump, machinery, fixtures, structures or buildings of any kind belonging to said town of Mount Airy and used by it for the purposes aforesaid, or shall leave open, use or tamper with any of the above described fixtures and things, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $50, or imprisoned not exceeding thirty days, and such person or persons shall forfeit and pay to the town of Mount Airy, to be sued for and recovered for in an action of debt, the damages so sustained, and should the person committing such injury be a minor, his father or mother or his guardian shall be liable for the said damage.

Penalty.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified 4th day of March, 1903.

Chapter 262.

AN ACT TO PROVIDE FOR WATER-WORKS AND SEWERAGE AND ELECTRIC LIGHT FOR THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Bond election for water-works, sewerage and lights.

Section 1. That the Board of Aldermen of the town of Elizabeth City, N. C., is hereby authorized to submit to the qualified voters of said town, upon giving sixty days' notice of any election, the question whether the said town of Elizabeth City shall issue the bonds of said town in an amount not to exceed one hundred thousand dollars, for the purpose of providing and maintaining a system of water-works and sewerage and electric lights for the said town.

How submitted to vote.

Sec. 2. The said Board of Aldermen of said town are authorized to submit to the qualified voters of said town the said questions of water-works, sewerage and electric lights, all at one election, or they may hold different elections for water-works or for sewerage or for electric lights, or they may hold the election for any two of said systems at once: *Provided*, that as much as sixty days' notice shall be given, and that the sum total of said bonds shall not exceed the

said sum of one hundred thousand dollars. The said election or elections shall be conducted under the same rules and regulations and penalties prescribed by law for the election of Aldermen of said town at the time any election under this act is held. And at any election as aforesaid each voter shall vote printed or written ballots with the words "For Water-works," "For Sewerage" or "For Electric Lights," or "Against Water-works," "Against Sewerage" or "Against Electric Lights," or "For Water-works, Sewerage and Electric Lights," according as each election or elections may be held. Election, how governed. Ballots.

Sec. 3. That the poll holders and registrars of said election or elections shall, after the same is held, count the votes cast in their respective wards and make an abstract of the votes cast, and file the same with the Board of Aldermen of Elizabeth City at their first meeting after said election or elections, at which time the said board shall examine the returns made to them as aforesaid and decide the result of the election. Returns. Result.

Sec. 4. If at any election, as required by sections one and two of this act, it shall appear that a majority of the qualified voters of said town shall have voted in favor of the bonds for which said election was held, then the Board of Aldermen of the said town are hereby authorized and empowered to have said bonds prepared, in denominations of not more than one thousand dollars nor less than five hundred dollars, to be fixed by them, and running for a period or periods of years, not exceeding forty years nor less than fifteen years, and at a rate of interest not exceeding five per cent., which said interest shall be represented by coupons attached to said bonds and payable semi-annually, and payable at such place or places as said board may designate, and to sell said bonds, or so many of them as may be necessary, after public advertisement, publicly or privately, on the best terms obtainable, not less than par. For the due execution of said bonds they shall be signed by the Mayor of said town, attested by the Clerk of said Board of Aldermen and sealed with the seal of the said town of Elizabeth City. If result favorable, bonds to issue. Amount. Term. Rate of interest. Not to be sold under par. Execution of bonds.

Sec. 5. That in order to meet the payment of the said bonds and the accruing interest thereon, the said Board of Aldermen are hereby empowered to levy and collect a special tax not exceeding ten cents on the one hundred dollars worth on assessed valuation of all the property, real, personal and mixed, choses in action and solvent credits, and thirty cents on each poll, at all times observing the constitutional equation between property and poll. Special tax. Tax rate.

Sec. 6. The money derived from the sale of said bonds shall be used by the said Board of Aldermen in providing and maintaining a system of water-works or sewerage or electric light, or any two or all of them, according as the election may be held, for the use and as the property of said town. It shall be their duty to furnish Proceeds of bonds, how applied.

Citizens to be supplied with water, lights, etc.

for the use of said town all the water necessary for public use and all the electric lights necessary to light the town, and also to furnish the citizens of said town who may desire water or sewerage

Rates and charges.

or electric lights on such conditions and at such rates as the said Board of Aldermen may prescribe. And the said Board of Aldermen is hereby fully authorized and empowered to perform any and all acts not inconsistent with this act which are necessary to establish and maintain a system of water-works and sewerage and electric lights for the town of Elizabeth City and all the citizens thereof, and said systems of water-works and sewerage and electric lights shall be owned by the said town.

Proceeds of bonds, etc., turned over to town treasurer.

Sec. 7. All moneys derived from the sale of said bonds and every other source pertaining to said water-works and sewerage and electric lights shall be paid to the Treasurer of said town of Elizabeth

Disbursement of same.

City, to be disbursed under the direction of said Board of Aldermen, and the said Aldermen shall have the power and it shall be their

Increase of treasurer's bond.

duty to cause the said Treasurer to increase his official bond before the proceeds from the sale of said bonds shall go into his hands, in such sum as they may deem advisable, and shall pay the

Expense of same, how paid.

extra expense for obtaining the said bond from some good bonding company.

Collection of rents and charges.

Sec. 8. It shall be the duty of the said Aldermen to provide for the collection of rents, water charges, electric light charges and all the revenues for the use of the water by said water-works and electric lights, and all the revenues derived from any of said sources

Custody and application of same.

shall be held and kept solely for the purpose of maintaining, paying for and extending said systems of water-works, sewerage and electric lights.

Conflicting laws repealed; exception.

Sec. 9. That all laws in conflict with this act are hereby repealed, save and excepting the act passed at this session entitled "An act authorizing the corporation of Elizabeth City to contract with C. M. Ferebee or assigns for electric lights, water, sewerage and gas, or any of them," which act and all of its provisions shall be and remain in full force and effect, anything in this act contained to the contrary notwithstanding; and no contract or agreement made at any time hereafter by the corporation of Elizabeth City under the authority contained in the aforesaid act shall, during the period or term for which said contract or agreement shall be made, be in any manner terminated or impaired under or by virtue of any power or authority vested in the Board of Town Aldermen of Elizabeth City by the provisions of this act.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 263.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELHAVEN, BEAUFORT COUNTY, N. C.

The General Assembly of North Carolina do enact:

Section 1. That section 2 of the charter of the town of Belhaven, Beaufort County, be and is hereby amended by striking out section 2 and in lieu thereof insert the following: Beginning at the channel of Pantego Creek at the eastward line of the Alleghany Company's property, and running north 47 east with said company's line to Pantego street, thence south 43 east with Pantego street to Thom's Creek, thence with the channel of Thom's Creek to the channel of Pungo River, thence westerly with the channel of Pungo River to Pantego Creek, thence northwesterly with the channel of Pantego Creek to the beginning. Town limits changed.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 264.

AN ACT TO ALLOW THE CITY OF GREENSBORO TO MAINTAIN A PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. That whereas, Andrew Carnegie has offered to donate to the city of Greensboro a certain sum of money for the erection of a public library, upon condition that the said city will appropriate a certain amount annually to the maintenance of the said library; the said city of Greensboro is hereby authorized and empowered to accept the proposition above mentioned, or any similar proposition from any other person, and make the annual appropriation for the maintenance of the library. Preamble. May receive donation and make appropriation.

Sec. 2. That before accepting this or a similar proposition, the Board of Aldermen of said city shall submit said proposition to a vote of the citizens of said city at such time or times as they may decide, and said election shall be held in the same manner and under the same rules as are prescribed for election of Aldermen and Mayor, and at such election those in favor of accepting said proposition and making said annual appropriation shall vote a ticket on which is "For Library," and those opposed shall vote a ticket on which is "Against Library," and the rejection of the proposition shall not prevent a subsequent submission to the people. Submission to vote of citizens. Election. Ballots.

In event of favorable result.

Sec. 3. That if a majority of the qualified voters of said city vote for the acceptance of the proposition, then the Board of Aldermen shall accept the proposition and make the annual appropriation and provide for the erection of said library.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 265.

AN ACT TO INCORPORATE THE TOWN OF COREPOINT, IN THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Powers.

Section 1. That the town of Corepoint, in Beaufort, be and the same is hereby incorporated by the name and style of Corepoint, and shall have and be entitled to all the rights and privileges and be subject to the restrictions and liabilities as now provided by law for incorporated towns in this State.

Corporate limits.

Sec. 2. That the Corepoint limits of said town shall be as follows: Beginning at Henry Moore's N. W. corner, then with his line S. 28½ W. to the back line of the Barrars' patent, then with said back line reversed S. 45 E. to Barras' Creek, then down Barras' Creek to Pamlico River, then up said river to the beginning.

Town election.

How governed.

Sec. 3. That an election for Mayor and five Commissioners shall be held on the first Monday in May, one thousand nine hundred and four, and annually thereafter, under the same rules and regulations as is prescribed by law for holding municipal elections in this State.

Qualification of voters.

Sec. 4. That all lawful voters, owning real estate in said town, shall be entitled to vote at all municipal elections.

Town officers.

Officers named.

Oath of office.

Sec. 5. That the officers of said corporation shall consist of a Mayor and five Commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and four, or until their successors are duly elected and qualified, viz.: Mayor, B. F. Paul; Commissioners, Nathan Tripp, Thaddeus Baker, Isaac H. Pipkin, C. W. Mixon, Henry Moore, who shall take the oath of office within thirty days after the ratification of this act before some justice of the peace of North Carolina.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 266.

AN ACT TO AMEND SECTION TWO, CHAPTER 69, PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Section 1. That the chapter sixty-nine (69), Laws of 1899, section 2, be amended to read as follows: That the corporate limits of said town shall be as follows, to-wit: Beginning on the west bank of the Mayo River, in the county of Rockingham, N. C., the said point being on the east side of the Norfolk and Western R. R. right of way, at a culvert north of the Mayo Mills dam, thence running with said culvert to a branch which runs between the lands of the Piedmont Land and Manufacturing Company and Jessie D. Wray, S. W. Simpson, —— Matlock, C. H. Follin and Dora L Poindexter, to a stake at Dora L. Poindexter's N. W. corner; thence with said Poindexter's line S. 19° W. across the lands of the Piedmont Land and Manufacturing Company to what was known as the old Ayersville road; thence with line of said old road to Main street; thence with Main street N. 71° 21 minutes W. to the Ayersville road; thence with said Ayersville road to what was known as the division line of the estate of W. N. Mebane, deceased, and the land of the Piedmont Land and Manufacturing Company; thence with said old line to the east side of the Norfolk and Western right of way; thence with said right of way to the land of the Mayo Mills; thence with said Mayo Mills line easterly to the west bank of the Mayo River; thence up said river to the point of beginning.

Former act amended.

Corporate limits.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 267.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

Section 1. That chapter 243 of the Private Laws of 1899 be and the same is hereby amended by striking out all of section 2 thereof and inserting in lieu thereof the following:

Former act amended.

"Sec. 2. The corporate limits of the town shall be as follows: All that territory included within the following boundaries, towit,

Corporate limits of town.

beginning in the centre of the Raleigh and Louisburg road at a rock on the southeast side, corner for E. N. Dent and Mrs. Place, thence south 47° E. 110 poles to a stake and rock, thence N. 38° E. 221 poles 5 links to the south bank of Tar River, thence N. 39½° E. 136 poles to the corner of the Nashville road, a rock on the north side of the road, thence N. 15½° E. 212 poles to a stake near a large red-oak on the edge of the Yarborough, now Terrell's Grove, thence N. 1½° E. 103 poles to a stake, C. M. Cooke and R. D. Pernell's corner, thence N. 73½° W. 103 poles 5 links to the centre of the Louisburg and Warrenton road, a walnut tree, J. C. Kearney and Montford's corner, thence N. 73½° W. 67 poles 5 links to a pine in Kearney's line, thence S. 26 W. 336 poles to a birch on the north bank of Tar River, thence across the river S. 2½ W. 224 poles to a rock, thence S. 47 E. 94 poles 23 links to the beginning."

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 268.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PACTOLUS, IN PITT COUNTY, AND EXTEND THE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the inhabitants of the town of Pactolus, in Pitt County, shall continue to be as heretofore, a body corporate

Corporate name.

under the name and style of "The Town of Pactolus," and under such

Powers.

name and style is hereby invested with all the privileges, rights, immunities and franchises as are conferred by chapter sixty-two (62), Volume II (2) of The Code, and all laws amendatory thereto and all public laws relating to towns not inconsistent with the provisions of this act.

Corporate boundaries.

Sec. 2. That the boundaries of said town shall be as follows, that is to say: Beginning at a gum on the south side of Grindell Creek, on the lands of Mrs. Florence P. Tucker, and on the east side of the bridge about thirty yards therefrom, thence across the lands of Mrs. Florence P. Tucker north seventy-four (74) degrees west to the Tucker Mill-dam; thence across the edge of the Tucker Mill-pond south sixty-seven (67) degrees west to a water-oak, on the lands of J. J. Rollins, eleven and one-half (11½) poles north of Rollins' road; thence a westerly course parallel with the Rollins road and eleven and one-half (11½) poles distant from said road to a point opposite the fork of the road above Hoyt Wilson's house;

thence a southerly course to the fork of the road; thence with the road leading from the Rollins road in the direction of the river road to a cypress; thence south eighty-six and one-fourth (86¼) degrees west to a grave-yard on J. J. Rollins' land; thence south to the river road leading from Pactolus to Greenville; thence down said road an easterly course to a point twelve (12) poles east of the fork of the creek and river roads; thence south thirty-seven (37) poles to a stake in R. R. Fleming's field; thence an easterly direction crossing the lands of R. R. Fleming, J. R. Davenport and Mrs. Florence Tucker a parallel line with the Greenville and Pactolus road and the Pactolus and Yankee Hall road to a ditch 37 poles from the last mentioned road, on the Tucker land; thence with said ditch to the Yankee Hall road; thence north thirteen (13) degrees east to a pine; thence north twenty-five and one-fourth (25¼) degrees east, crossing the creek, to a forked holly; thence north forty-six and three-fourths (46¾) degrees east, crossing the Atlantic Coast Line Railroad and the public road leading to Washington, to a stake near east corner of the Satterthwaite Tool-house; thence north fifty (50) degrees west to a pine on the east side of the road leading to Tarboro; thence north seventy (70) degrees west to the northwest corner of C. E. Bradley's land; thence south twenty-eight and one-half (28½) degrees west, crossing the Atlantic Coast Line Railroad, to a persimmon tree on H. W. Hyman's land; thence south fifteen and one-half (15½) degrees east to the beginning.

Division into four wards.

Sec. 3. That the said town shall be divided into two wards, as follows: First ward shall embrace all that part of said town lying on the north side of Grindell Creek, and second ward shall embrace all that part of said town lying on the south side of said creek.

Town officers. Election.

Sec. 4. That the officers shall consist of a Mayor and four Commissioners; two of said Commissioners shall be elected from each of the wards, and such other officers as the Board of Commissioners may deem necessary to elect for the good government of said town.

Present officers named.

Sec. 5. That until the election hereinafter provided for is held, and the officers elected thereat shall have qualified, the following officers are hereby appointed: Mayor, C. E. Bradley; Commissioners, J. J. Satterthwaite and H. G. Huntley for the first ward, J. R. Davenport and E. L. Braxton for the second ward.

Town elections, when and how held.

Sec. 6. That on the first Monday in May, nineteen hundred and three, and annually thereafter, an election shall be held in said town for a Mayor and four Commissioners, who shall hold their said offices for the time of one year. The said election shall be held and conducted under the laws of the State regulating municipal elections, and all persons who are qualified voters under the laws of this State and who have been residents of said town for four months preceding such election shall be entitled to vote.

Term of office.

Qualifications of voters.

Power and authority of town commissioners.

Sec. 7. That the said Board of Commissioners shall have power and authority to provide for the good government, security and peace of said town; to enact and pass such ordinances, by-laws, regulations and rules as they may deem expedient and best, and prescribe such fines and penalties for violation of the same as may not be inconsistent with the laws of the State; they shall have full power to lay out, open, alter and discontinue such streets and alleys in said town as in their opinion may be necessary, but they shall open no streets or alleys over the lands of any person objecting thereto without paying to such person damages therefor, which damage shall be ascertained by one person selected by the Mayor and one person selected by the owner of the land, and if they cannot agree, the persons so selected shall choose a third person as umpire, and the damages ascertained by a majority of them shall be paid:

Condemnation of land.

Right of appeal.

Provided, however, that if either the town or the owner of the land shall be dissatisfied with such assessment, they can appeal to the Superior Court of Pitt County, where the same shall be determined.

Levy and collection of tax.

Sec. 8. That for the purpose of keeping up the streets, sidewalks, bridges, and other improvements of the town, and the payment of necessary and current expenses thereof, the said Board of Commissioners shall have power and authority to levy and collect the following taxes: On every one hundred dollars worth of real and personal property in said town, a sum not exceeding fifty cents; on each taxable poll, a sum not exceeding one dollar and fifty cents, and upon all other subjects of taxation a tax not to exceed the amount levied by the State.

Tax rate.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, 1903.

Chapter 269.

AN ACT TO CHANGE THE NAME OF THE WHITNEY REDUCTION COMPANY TO "THE WHITNEY COMPANY."

The General Assembly of North Carolina do enact:

Change of name.

Section 1. The name of the Whitney Reduction Company, wherever the same may appear in its charter and in chapter six of the Private Laws of the year 1901, ratified the twenty-first day of January, A. D. 1901, is hereby changed from the said "The Whitney Reduction Company" to "The Whitney Company."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 270.

AN ACT TO CHARTER THE BANK OF RICH SQUARE, N. C.

The General Assembly of North Carolina do enact:

Section 1. That E. Bougham, J. B. Griffin, J. T. Bolton, T. C. Peele, M. Bolton, W. M. Wood, Wm. H. S. Burgwyn, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of The Bank of Rich Square, with its principal office and general place of business at Rich Square, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court in the State, and have a continual succession for the term of sixty years. Corporators. Body politic. Corporate name. Principal office. Corporate powers.

Sec. 2. The capital stock shall not be less than five thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect, to a sum not to exceed fifty thousand dollars. Capital stock. Shares. Increase of capital stock.

Sec. 3. That the corporators named herein, or any three of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they may determine; and the stockholders or a majority of them may at any time at any general meeting called after the organization of said corporation, at their discretion, reopen books of subscription to said capital stock until the same, as herein limited, is wholly taken. Books of subscription.

Sec. 4. Whenever five thousand dollars shall be subscribed and paid into the capital stock of said bank, the beforementioned corporators, or any three of them, may call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient; and such stockholders may elect such directors and so many as they may deem proper and sufficient, who shall hold their offices one year or until their successors are elected, with power in said board of directors to fill all vacancies occurring in their body until any general election thereafter; and said directors may elect a president, vice-president, attorney, cashier, teller, book-keeper and all other such officers as may to them be deemed necessary, to serve during their continuance in office or until their successors shall be elected or appointed by said board of directors. When corporators may meet and organize. Directors. Term of office. Vacancies. Officers, election, etc.

Sec. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation, shall exercise and have all such powers and authority as may be necessary for governing the affairs of the corporation, consistent with such by-laws as may be adopted by the stockholders, they may regulate the terms and rates on which loans may be negotiated and discounts made, not to exceed the rate allowed by law, Common seal. Appointment of officers and agents. Other powers of president and directors.

deposits may be taken, and out of the profits of the business dividends shall be declared; they shall fill all vacancies occurring among the officers or agents of said corporation, they may call meetings of the stockholders at such times and upon such notice as they may deem proper, and at all such meetings of the stockholders said stockholders may be represented by written proxy, and each share shall be entitled to one vote.

Vacancies, how filled.

Proxies.

Corporate powers.

Sec. 6. Said bank may receive and pay out all lawful currency of its own issue under all rights, powers and authorities and under such restrictions as may be imposed by the laws of this State and of the United States as to circulation by State banks; may deal in exchange, gold and silver coin, current and uncurrent paper, public and municipal and other securities; and for the purpose of aiding planters, manufacturers and others said bank shall and may have power to loan any sum or sums of money and to secure the repayment of the same by taking in writing a lien or liens upon the crops to be raised, or upon any article or articles then in existence, and shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; said bank shall also have power to receive in storage or warehouse any cotton, tobacco, wheat, corn, peanuts, potatoes, oats, or any other article of produce, trade or manufacture as a pledge or pledges for the repayment of the money or moneys loaned upon the faith of the sum so due or advanced thereon; and upon failure to pay at the time agreed upon, said property may be sold, after advertising the same as required for the sale of personal property under chattel mortgages; said bank may discount notes and other evidences of debt, buy or sell and otherwise deal in all commercial paper of every kind; may loan money to and receive deposits of the same from any and all persons, including corporations, minors, *femes covert*, upon such terms as to the manner and time of collection and payment as may be agreed upon; and may charge such rate of interest as allowed by the laws of the State, and may take and receive such interest at the time of making such loans or at such times as may be agreed upon; said bank may invest in stocks, bonds or other securities of this State, the United States, or any corporation, public or private, of this or any other State in the Union, and may issue its own obligations in such denominations, payable at such times and manner as it may see fit.

Corporate powers.

Sec. 7. The said bank may purchase and hold property, real, personal or mixed, and such as may be conveyed to it to secure or satisfy any debt due it or for any other purpose, or any sold under any mortgage, execution or order of court to satisfy any debt due it, and may sell and convey the same at pleasure and use or re-invest the proceeds thereof as it may deem best.

Deposits and checks of minors and feme coverts.

Sec. 8. That whenever any deposit shall be made by any minor or *feme covert* said corporation may at its discretion pay such minor or *feme covert* such sum or sums as may be required by them from such deposit; and any check, draft, order, receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to discharge the said corporation from any and all liability on account thereof.

Subscriber failing to pay for stock, consequences and procedure.

Sec. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire amount upon said stock shall be due, and may be recovered in the name of the said corporation by civil action, either in the county of the office of said corporation or of the residence of said delinquent, or the entire stock of the said delinquent may be sold in the town of Rich Square, aften ten days' notice at the door of said bank by posting; and if the proceeds thereof shall not be sufficient to discharge the amount unpaid, with all costs and expenses of such sale, the delinquent shall be liable for the balance found still deficient, to be collected as aforesaid by a civil action, or such stock, after ten days' notice given by the cashier to such delinquent in writing, may be sold privately to the best and highest bidder on the market. And if any subscriber shall assign his stock before full payment, he and all subsequent assignees shall be liable to said corporation, jointly and severally, and such subscription shall be a promissory note, with the assignees thereof endorsers, payable to said corporation.

Stock assigned prior to full payment, subscriber and assignee liable.

Corporate powers.

Sec. 10. That said bank shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed upon, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, township, town, municipality, corporation, company or individual any bonds, certificates of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc., and generally for managing such business; and for doing any and all other matters and things authorized by this charter said corporation may charge such premium, commissions or rate of compensation as may be agreed upon and which is not prohibited by law.

Corporate powers.

Sec. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title and all other things of value which may be left on deposit with [said] corporation for safe-keeping; and shall be entitled to charge such commissions or compensation as may be agreed upon; and said bank is authorized and empowered to accept and exercise any trust of any and every other description which may by its consent be com-

mitted or transferred to it by any person or persons whomsoever; by any bodies politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian or assignee whenever such appointment is made or conferred by any person or persons, or court of the State or United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals in the same capacity. Each stockholder shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Savings bank department.

Sec. 12. Said bank is fully authorized and empowered to organize, in connection with its general banking business, a department of savings and to do a general savings bank business, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable it to receive deposits in said savings department in any sum or sums as desired in any single case, and may give certificates or other evidences of deposits, and to pay such interest as may be agreed upon, not exceeding the rate allowed by law, and to regulate the time of payment and notice of demand; and the same officers elected by the board of directors for the general business may be also placed in control of the savings department. That said savings department shall in nowise be considered separate and distinct from said corporation, but in all respects be a part and parcel thereof and regulated by the provisions of this act; and to the savings department the bank itself shall be liable for their final payment as to its general depositors and creditors.

Power to establish agencies, etc.

Sec. 13. The president and directors may establish agencies of this bank at such times and places as they may designate, and such agencies may be removed or terminated at any time; such agencies shall have the same powers as are prescribed for the corporation hereby chartered, and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of the said bank: *Provided*, the license tax be paid to the Treasurer of the State of North Carolina and a receipt for said tax from the Treasurer shall be a sufficient power and authority to establish the said agency under this act.

When this act accepted by incorporators, to include present "Bank of Rich Square."

Sec. 14. That the business in the town of Rich Square, North Carolina, known as "The Bank of Rich Square," a general banking business conducted by the incorporators herein mentioned and their associates, shall be deemed and considered as organized under this act, and entitled to its provisions, whenever the said incorporators shall meet together and accept this act, their acceptance to be noted in the record kept of said meeting; and the said record shall

be evidence of the organization of the said Bank of Rich Square under the provisions of this act.

Sec. 15. The said Bank of Rich Square is hereby granted two years from the passage of this act within which to complete its organization. Time limit to complete organization.

Sec. 16. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1903.

Chapter 271.

AN ACT TO INCORPORATE THE HOWLAND IMPROVEMENT COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Richard S. Howland, Stanley Howland, Reginald Howland, Walter B. Gwyn, James B. Gay, and their associates and successors be and they are hereby declared a body politic and corporate, under the name and style of "Howland Improvement Company," and by that name shall have perpetual succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act. Corporators. Corporate name. Corporate powers.

Sec. 2. That the capital stock of said company shall be two hundred and fifty thousand dollars; the par value of each share of stock shall be one hundred dollars; and the directors, with approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, credits, accounts, real or personal property in payment of subscriptions, payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever five hundred shares shall have been subscribed for, and the sum of fifty thousand dollars paid in, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and provide for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this State. Every subscriber for or holder of the stock of this company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more. Capital stock. In what payable. Organization. Stockholders' liability.

Corporate powers.

Sec. 3. It shall be lawful for said corporation to acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any of the United States, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors, by their authority, may determine; and to issue its notes, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

Corporate powers.

Sec. 4. The said company is authorized and empowered to supply to the public, including both individuals and corporations, private and municipal, within the counties of Buncombe, Madison, Haywood, Transylvania, Henderson, Yancey, Jackson, Swain, Macon, Clay, Cherokee, Graham and elsewhere power in the form of electric, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms, for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be applicable, and to fix charges, collect and receive payment therefor; and for the purposes of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store or use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires on poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines as necessary, and also with such branch lines in the said counties or elsewhere as the board of directors of said company may locate or authorize to be located, for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell or otherwise dispose of water power and water privileges in the said State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing the same by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, bridges, gates, sluices, tunnels, canals, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances in the State of North Carolina: *Provided*, that the amount of land which the company may at any time hold within the State of North Carolina for any one water-power and appurtenant works, as well as the land flowed or sub-

May furnish power for any purpose.

Authorized to develop power.

merged with the water accumulated by a dam, shall not exceed five thousand acres, inclusive of the right of way.

Power to generate, transmit, etc., electricity for various purposes and deal in electric apparatus.

Sec. 5. The said company shall have power, in addition to the powers hereinbefore enumerated, to carry on and conduct the business of generating, making, transmitting and selling electricity for the purposes of lighting, heat and power, and transmission of power, and to furnish and sell, and to contract for the furnishing and selling, to persons, corporations, towns and cities, of electricity for illuminating purposes or as motive power for running and propelling cars, engines, machines and apparatus, and also for all other uses and purposes for which electricity is now or may hereafter be used; and to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, gas and any and all other kinds of powers, forces, fluids, currents, matter and material used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining to or connected with the manufacturing and generating, distributing, furnishing of electricity for light, heat and power purposes, including the transaction of any and all business in which electricity is now or may hereafter be utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used in or which may be required or deemed advisable for or in connection with the utilization of electricity, or in anywise appertaining thereto; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electrical machinery, apparatus and appliances, and general, special and exclusive privileges for the use or sale of the same; to purchase, acquire, possess, own, hold, improve, let, lease, operate and maintain water rights and privileges and water power; to supply water to persons, corporations, factories, towns and cities for domestic and public use, and for use as power and for manufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed admissible or expedient; to construct, acquire, build, operate, maintain and lease, in the State of North Carolina, canals, ditches and flumes and pipe lines for the conducting of water; to own, acquire, purchase, possess, hold, let, lease, operate and maintain quarries and mines, and to sell and dispose of the product of the same; to maintain and operate railroads, street-railways, motor lines and tram-ways, carry freight and passengers thereon, and to charge, receive and collect tolls or fares for the same; to purchase, consolidate with, lease, operate and maintain, on such terms as may be agreed upon, any railroad, railroads, street-railroads, motor line, motor lines, tram-way or tram-ways, in the State of North Carolina, with its or their rolling stock, equipments and appurtenances, and

Water rights and supply.

Other corporate powers.

Corporate powers. to complete the same if necessary, desirable or convenient; to carry freights or passengers, or both, thereon, and to charge, receive and collect tolls and fares therefor; to construct, build, own, hold, purchase, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of the same and for the transmission of messages thereon as may be deemed advisable or expedient; to construct, acquire, own, hold, lease, maintain and operate lines of wire, underground conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents, and to charge, receive and collect such charges and rates for the use of such wires and such electricity and other fluids, energies, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street-railroads or tramways to any other company or companies incorporated for the purpose of operating a railroad or tram-way or motor line, and to lease or purchase, maintain and operate any part or all of any other railroads constructed by any other company, upon such conditions and terms as may be agreed upon; to enter into any operating or traffic contract, or any contract in the nature of a lease, with any company or corporation, and to transfer and convey to such company or corporation the operation of the whole or any portion of the road or lines of this corporation; to apply to the proper authorities of any incorporated city or town or of any county in the State of North Carolina into which the railroads, street-railroads, tram-ways, motor lines, telegraph or telephone lines, water conduit lines, electric light and power lines, plants, wires, poles and appliances of this corporation may extend or be situated, or be designed or intended now or hereafter to extend or be situated, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold or lease all and singular the same; to acquire by purchase, lease, contract or otherwise, and to accept, own, hold any rights, privileges or franchises heretofore granted to any firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such incorporated city or town or any county in the State of North Carolina; to build, erect, equip, purchase, acquire, own, hold, rent, lease, run, maintain and operate factories for the

Corporate powers. manufacture of such commodities as may be desirable, convenient or expedient, and to sell and dispose of such commodities; to facilitate and assist in the construction, building, extension, equipment, maintenance and operation of any street-railway, railroad, motor line, tram-way, telegraph or telephone line connecting with or intending to connect with or exchange traffic, freight or passengers with the street-railways, railways, motor lines, tram-ways, telegraph or telephone lines of this corporation; and to this end to subscribe to or for or purchase,

or otherwise acquire, own and hold the stocks and bonds of any other corporation or company owning or operating such street-railways, railways, motor lines, telegraph or telephone lines; to guarantee or otherwise secure the payment of any such bonds, interest thereon, or dividends on such stock as it may be deemed advisable, convenient or proper, and to otherwise aid and assist in the maintenance and operation of the same; to purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient, and to build dwelling-houses, build and operate stores, mills, schools, factories, warehouses, hotels, and any and all other buildings and structures deemed advisable and expedient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plat any real property belonging to or required by the company, into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plat and dedicate to public use or otherwise streets, avenues, alleys and parks; and to adorn and beautify its property by building dams for ponds, reservoirs and lakes and by other means; to manage and carry on the business of farming, stock-raising, mining, trading, banking, lumbering, cutting and dealing in fire-wood, manufacturing, hotel-keeping, building bridges, dams, culverts, aqueducts, reservoirs and streets; also building and equipping and operating rail, tram, turnpike and other roads, or any other plants or works that may be deemed necessary or convenient for the business of the corporation; to purchase, possess, own, hold, rent, lease and improve any and all property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation or the transaction of its business or any part thereof; and to do and perform all and any other matters and things necessary, proper or convenient for the accomplishment of the objects, and any thereof, above specified. Corporate powers.

Sec. 6. It shall be lawful for the president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon any and all lands or water for the purpose of exploring or surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works shall have been determined upon, and a survey of the same deposited in the office of the Clerk of the Superior Court of the county wherein the land is situated, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of and have, hold, use and excavate any such lands, and to erect all the structures necessary and suitable for the completion or repairing of said works, subject to such compensation as is hereafter provided: *Provided, always,* that payment, or Right to enter lands of another to survey, etc.

Right to enter and take possession of lands of another.

Provisions for compensation.

tender of payment, of all demands for the occupation of all lands upon which the said works may be laid out, be made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners be first had and obtained: And *provided further*, that such location of its works and filing of its survey in the office of the Clerk of the Superior Court, as aforesaid, shall not preclude said company from making, from time to time, other location of works and filing surveys of the same as its business or development may require.

Provisions for condemning land.

Sec. 7. When any land or right of way may be required by said company for the purpose of constructing and operating its works, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation of five commissioners, or a majority of them, to be appointed on petition by the Clerk of the Superior Court of the county where some part of the land is situated. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless,* that if any person or persons on whose lands the works may be located, or if the said company shall be dissatisfied with the valuation of said commissioners, then in that case the party so dissatisfied may file exceptions to the valuation in the pending proceedings, subject to the same rules, regulations and restrictions as in other like cases. The proceedings of said commissioners, with a full description of the land, shall be returned under the hands and seals of a majority of them to the court from which the commission issued, there to remain, after confirmation of the court, a matter of record, and also to be registered in the office of the Register of Deeds of each county wherein the land condemned lies, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided,* that upon application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian (if any) of such owner or owners, as well as to such owner or owners, or if the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper published in the county in which the application is made, or in any adjoining county, in case no newspaper is published in the county: And *provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath

Filing exceptions.

Proceedings of condemnation commissioners to be filed and registered.

When title to vest in company.

Provision for advertisement where owner unknown or under disability.

Valuation to be made on oath.

may be administered by any Clerk of the Court, justice of the peace or other person authorized by law to administer oaths.

Sec. 8. A part of the works of said company may be constructed without completing its entire works, and the said works may be operated and electric current transmitted and delivered and charges collected therefor, notwithstanding the entire works of the company have not been completed. Works may be operated before completed.

Sec. 9. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem expedient. Meetings of the stockholders and directors may be held in the city of Asheville, where the principal office of the said company in North Carolina shall be, and in the city of New York, or elsewhere, at such times and places as the stockholders may, in the by-laws or otherwise, prescribe. By-laws. Stockholders and directors' meetings. Location of offices.

Sec. 10. The board of directors shall be composed of stockholders of said company, and shall consist of such numbers as the stockholders may prescribe from time to time by the by-laws, and shall be elected by the stockholders at meetings to be held at such times as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of their office; and they shall choose one of their number president and elect such other officers as the by-laws may prescribe; and in case of the death, resignation or other incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term. Board of directors. Election. Term of office. Other officers. Vacancy, how filled.

Sec. 11. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for or against the said company in any judicial proceedings. Copy of by-laws under corporate seal prima facie evidence for or against company.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

Chapter 272.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBOROUGH.

The General Assembly of North Carolina do enact:

Section 1. The Commissioners of the town of Wadesborough shall be and they are hereby empowered to levy taxes not to exceed one dollar and fifty cents on hundred dollars of all the real property, Special tax. Tax rate.

moneys, credits, investments in bonds, stocks, joint-stock companies, on all other personal property now liable to taxation in said town or which may hereafter become liable to taxation therein, and four dollars and fifty cents on each taxable poll. These taxes when levied and collected shall be applied to the necessary town purposes, including streets, repairs thereon, improvement of streets and all other expenses, lights, water, water-works and repairs.

Application of proceeds.

Liberal construction.

Sec. 2. The authority hereby given shall be liberally construed.

Former laws not modified or impaired.

Sec. 3. Nothing herein contained shall be held or construed to alter or impair or modify any other power now existing in the Commissioners of the town of Wadesborough by virtue of said charter or the amendments thereto already made, but they shall be construed as cumulative.

Sec. 4. That this act shall take effect from its ratification.

In the General Assembly read three times and ratified this 5th day of March, 1903.

Chapter 273.

AN ACT TO EXTEND THE TIME FOR ORGANIZATION OF THE SOUTHEASTERN NORTH CAROLINA RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Time extended.

Section 1. That chapter six hundred and sixteen (616) of the Laws of 1901 be amended by striking out the word "two" in line four of section one, and by inserting in lieu thereof the word "four."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 274.

AN ACT TO AMEND THE CHARTER OF THE ASHEVILLE AND CRAGGY MOUNTAIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter 506 of the Public Laws of North Carolina, passed by the General Assembly at its session of 1889, entitled "An act to incorporate the Asheville and Craggy Mountain Railway Company," be and the same is hereby amended as follows:

(1) By adding to section 2 of said act the following clause: "or it may build its road or roads so far as may be deemed expedient, towards either or both of said mountain peaks, by whatever route or routes it may adopt, with such branches or extensions as may be decided upon by its board of directors." Routes.

(2) By inserting between the word "property" and the word "and" in the second line of section 6 of said act, the words "whether then owned or thereafter to be acquired, and its franchises, in whole or in part," and further by adding to said section 6 the words "or other works, and equipping the same, or for retiring its outstanding bonds and obligations." Powers.

(3) By adding to section 7 of said act the following clause: "And for the purpose of reconnoitering, surveying and locating its roads, branches and extensions, and facilitating their construction, the said company shall have right to survey and build trails and cart-ways, and to build, acquire, own and operate telegraph and telephone lines, and to charge and receive and collect tolls for the use thereof, and also to acquire, own and operate mines and quarries, and dispose of the product thereof, and to that end shall have power to condemn land for said trails, cart-ways, telegraph and telephone lines, mines and quarries, as provided in section 5 of said act for the condemnation of land for said railroad." May construct cart-ways, telegraph and telephone lines, etc. May own and operate mines, etc. Condemnation of land.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 275.

AN ACT TO ALLOW THE BOARD OF ALDERMEN OF THE TOWN OF BRYSON CITY [TO] INCREASE THE TAX LEVY FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the town of Bryson City are hereby empowered, at their regular meeting on the first Monday in June, 1903, and annually thereafter, to levy a tax upon the taxable property and polls within the corporate limits of said town for the purpose of defraying the corporate expenses of said town. Special tax. Purpose.

Sec. 2. That the amount of tax to be levied under this act shall be determined by said Board of Aldermen, but shall not exceed in any one year forty (40) cents on the one hundred dollars worth of real and personal property and one dollar and twenty cents on the poll, and that the Constitutional equation between the property and Amount. Rate.

Proviso. poll shall always be observed in making said levy: *Provided,* that said Board of Aldermen shall not increase the levy until there is a petition filed with the check [clerk] of said board, signed by a majority of the qualified voters of said town, asking that said increase be made in said levy.

Collection. Sec. 3. That this tax shall be collected and accounted for by the Marshal or Tax Collector of said town in the manner and under the penalties prescribed by law.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, 1903.

Chapter 276.

AN ACT TO INCORPORATE THE MOORE COUNTY TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. That J. T. Patrick, H. H. Powell, W. E. Giles and such other persons as they may associate with them for the purpose Body politic. hereinafter mentioned, be and they are hereby declared a body Corporate name. politic and corporate under the name and style of the Moore County Construction of turnpike. Route. Turnpike Company, for the purpose of constructing a turnpike road between Pinebluff and Pinehurst, and between Pinehurst and Southern Pines, and between Southern [Pines] and Pinebluff, in Moore County, and between such other points in said county as may be Powers. determined upon by them, and under said corporate name may sue and be sued, plead and be impleaded, have perpetual succession and a common seal.

Subscription books. Sec. 2. That said persons, or any two of them, may open books at Pinebluff, Pinehurst and Southern Pines, Moore County, and Capital stock; shares. keep them open until the whole of the capital stock of said company, which shall be and consist of 2,000 shares of the par value of $10 each, shall be subscribed. The said corporation may at any time Increase of capital stock. increase its capital stock to an amount not exceeding the sum of $100,000 by complying with section 26 of chapter two of the Acts of the General Assembly of the year 1901.

When to begin work. Sec. 3. That after $10,000 of the capital stock shall have been subscribed, it shall be lawful for the said corporation to commence the work in such way and manner as the board of directors, or a majority of them, may deem best.

Election of directors, etc.

Sec. 4. That the stockholders shall elect annually a board of not less than three directors, which directors shall elect the president, who, with the said directors, shall continue in office until the next annual meeting, and until their successors shall be elected, but no failure to elect shall work a forfeiture, and in the absence of the president, for the dispatch of business, the directors may appoint one of their number to act as president *pro tem.*, and the board shall supply a vacancy in their body until the next annual meeting after such vacancy shall occur.

Toll gates.

Sec. 5. That when the said corporation shall have completed the construction of said road or roads, or any one of them, the said corporation shall have power to erect a gate or gates on any part of its said road, and to collect such toll as it may fix for passage over said road between Pinebluff and Pinehurst, not to exceed the following sums, to-wit:

Rates of toll between Pinebluff and Pinehurst.

For hogs or cattle, each 2 cents; for loose horses, each 3 cents; for single horsemen, each 10 cents; for bicycles, each 15 cents; for one-horse wagon, each 15 cents; for two-horse wagon, each 25 cents; for three-horse wagon, each 40 cents; for four, five or six-horse wagon, each 75 cents; for one-horse buggy, each 25 cents; for two-horse buggy or carriage, each 50 cents; for automobiles, each 50 cents. The same rate of toll shall be allowed between Pinehurst and Southern Pines. The said corporation is authorized to charge tolls between Southern Pines and Pinebluff, not to exceed the following sums, to-wit:

Between Pinehurst and Southern Pines.

Rates of toll between Southern Pines and Pinebluff.

For hogs or cattle, each 3 cents; for loose horses, each 4 cents; for single horsemen, each 15 cents; for bicycles, each 15 cents; for one-horse wagons, each 20 cents; for two-horse wagons, each 30 cents; for three-horse wagons, each 45 cents; for four, five or six-horse wagons, each 90 cents; for one-horse buggy, each 30 cents; for two-horse buggy or carriage, each 60 cents; for automobiles, each 60 cents.

General law applicable.

Sec. 6. That in all other things the said corporation shall be governed by the provisions of the act in relation to turnpike and plank road companies, as contained in the general laws of the State, except as hereinafter provided, and shall have all the necessary and usual privileges of making by-laws for its government, condemning lands, collecting taxes, requiring bonds of its officers and representatives of stock by proxies.

Powers.

Condemnation of land.

Sec. 7. That said corporation shall have power to lay out and construct its road between the points authorized by this act, and in case it is not able to agree with the owners of any land for a right of way thereon for the construction and maintenance of its turnpike, then the said corporation shall have all power and authority conferred upon railroads to condemn the same for said pur-

Code.

pose, under and by virtue of the provisions of chapter forty-nine of The Code of North Carolina and acts amendatory thereto.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 277.

AN ACT TO INCORPORATE THE RALEIGH BANKING AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Charles E. Johnson, Charles H. Belvin, W. A. Linehan, James A. Briggs, Charles M. Busbee, Thomas B. Crowder, F. O. Moring, Perrin Busbee, J. W. Harden, Jr., F. H. Briggs, J. B. Timberlake, Jr., Rawley Galloway, R. T. Gray, Harry Leob, M. Rosenthal, Alfred Williams and Job P. Wyatt, and their associates and successors, are hereby created a body politic and corporate under the name and style of The Raleigh Banking and Trust Company, and by such name shall have all franchises, rights and privileges incident to a corporation, and a corporate existence for a period of sixty years.

Body politic.
Corporate name.
Powers.
Term.

Books of subscription.
Capital stock; shares.

Sec. 2. The corporators above named, or any five of them, may open books of subscription, and after two (2) hundred shares of one hundred dollars each shall have been subscribed, upon ten days' notice issued by said corporators or any five of them, the subscribers may meet and organize by the election of a board of not less than five directors, who shall manage the affairs of the company for one year or until their successors are elected, and who shall elect a president and all other necessary officers, employees and agents. The company shall have authority to transact business whenever two (2) hundred shares have been subscribed, and fifty per centum thereof paid.

Organization.
Directors.
Officers.
When to begin business.

Increase of capital stock.

Sec. 3. The capital stock of the said corporation shall not be less than twenty (20) thousand ($20,000) dollars, but the same may be increased from time to time to an amount not to exceed one hundred and twenty-five thousand dollars, to be divided into shares of the par value of one hundred dollars each.

Principal place of business.
Directors and officers.

Sec. 4. The principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina, and its officers shall consist of a board of at least five directors, a president, vice-president, cashier and such other employees as the board shall from time to time deem necessary to properly conduct the business of the bank. The board of directors shall be elected

annually by the stockholders; the directors so elected shall choose the officers aforesaid, and may require the cashier and such other employees as they may think advisable, to give bond, with approved security, for the faithful performance of their respective duties. Bonds of officers. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. Voting power.

Sec. 5. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property; to make by-laws for the regulation and management of the business of the company, and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do. Powers.

Sec. 6. That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein of any description, situate anywhere; to lend money upon, or purchase or otherwise accept, bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law. General banking business.

Sec. 7. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person, shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said company; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. Dealing in stocks, bonds, etc. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree to, as an investment or otherwise. Deposits.

Sec. 8. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to sav- Savings bank business.

ings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Deposits of married women and minors.

Sec. 9. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her receipt or acquittance, or his or her check drawn against such deposit shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

Surety and bonding business.

Sec. 10. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so: *Provided*, said corporation complies with the laws of the State relative to surety companies.

May act as agent, factor, etc.

Sec. 11. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registration, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, county, town, municipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commissions or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

Transfer of stock.

Sec. 12. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy.

May act as trustee, executor, etc.

Sec. 13. That said corporation shall have power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons; and it shall also have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance

with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

May act as receiver, guardian, etc.

Sec. 14. That all cases when application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint The Raleigh Banking and Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charges, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and the said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided,* that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Subject to orders of court.

Depository for bonds in litigation, etc.

Sec. 15. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation on the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company. Said corporation shall also have power to issue bills or notes to circulate as currency, in such denominations as the board of directors may authorize, and under such regulations as are now authorized and provided, or as may be hereafter authorized and provided by the laws of this State and the United States.

Safety deposit business.

Storage warehouse business.

Sec. 16. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a lien upon the property so stored; to make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored and all other matters affecting

the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product or merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and

Warehouse receipts negotiable.

the receipts issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the holder thereof to the property marked and designated therein in like manner as the original holder would

Proviso.

be had not such an assignment been made: *Provided*, that said corporation may stipulate in the receipt of any contract between the said company and any disposition of property in said warehouses, that the said company shall be held and deemed to be liable to exercise only such care in the custody and protection of such property as applies to warehousemen generally.

Individual liability.

Sec. 17. The stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 278.

AN ACT TO AMEND THE CHARTER OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That the corporate limits of the town of Thomasville shall be as follows: "Beginning at a stone in the centre of the crossing of Salem and Randolph streets, across the North Carolina Railroad in the centre of said railroad track, and runs thence southwardly with Randolph street three thousand nine hundred and sixty (3,960) feet to a stake in the centre of said street as extended, and runs eastwardly and at right angles with the first line five thousand nine hundred and forty (5,940) feet to a stake, the southeast corner of said town, thence northwardly parallel with Randolph street seven thousand nine hundred and twenty (7,920) feet to a stake, the northeast corner of said town, thence westwardly parallel with the second line above mentioned eleven thousand eight hundred and eighty (11,880) feet to a stake, the northwest corner of said town, thence southwardly and parallel with the first or Randolph street line seven thousand nine hundred and twenty

(7,920) feet to a stake, the southwest corner of said town, thence eastwardly and parallel with the fourth line above mentioned five thousand nine hundred and forty (5,940) feet to a stake, the said new limits being contained within a parallelogram eleven thousand eight hundred and eighty (11,880) feet long and seven thousand nine hundred and twenty (7,920) feet wide, the outside limits of the said parallelogram being parallel to the boundaries of the said town set forth in chapter thirty-two (32), Private Laws of eighteen hundred and ninety-seven. The Board of Aldermen shall have an actual survey made of said limits by the County Surveyor, and have the lines marked and stones placed at the four corners of said corporate limits. Survey and marking.

Sec. 2. That there shall annually, on the first Monday in May in each year, be elected a Mayor and five (5) Aldermen, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town. Election of officers.

Sec. 3. That the Board of Aldermen shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint a Treasurer, Town Constable and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The Board of Aldermen shall be further authorized to appoint one of their number a Mayor *pro tempore*, to act as Mayor in case of the absence of the Mayor or his inability to perform the duties of his office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security, payable to the State of North Carolina, in such sum as the Commissioners may determine: *Provided, however*, that the duties of the Collector of taxes may be performed by a Constable, if the board so direct, and those of the Clerk and Treasurer by members of the board. Powers and duties of aldermen. Treasurer, constable, etc. Ordinances, etc. Mayor pro tempore. Oath of office. Proviso.

Sec. 4. That the Mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the Commissioners. The Mayor shall further be a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court or Mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the Mayor or court trying the same; such offender may be imprisoned not more Mayor constituted inferior court. Jurisdiction.

Right of appeal.

than thirty (30) days in the common jail of the county. If the accused is dissatisfied with the judgment of the Mayor or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Powers of constable.

Sec. 5. The Mayor may issue his precepts to the Town Constable, who may execute the same anywhere in Davidson County, or to such other officer to whom a justice of the peace may direct his precepts; an endorsement by the Mayor of the names of the witnesses, upon a summons or warrant, shall be authority for the officer to execute the same. The Mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Working of convicts on streets.

Sec. 6. That the Board of Aldermen shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said Aldermen shall have authority, by their ordinances and by-laws, to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied under such rates for labor and board as the Aldermen may adopt.

Duties and powers of constable, policemen, etc.

Sec. 7. That any Town Constable, policeman, watchman or other town officer arresting any person or persons in the night time for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the lock-up or the common jail of the county, and the Sheriff or jailer of the county of Davidson is hereby required, without a *mittimus*, to receive into the jail of the county as his prisoner any person taken up in the night by the police or Constable, and to keep such persons safely until the morning, when the offender shall be brought before the Mayor or some magistrate resident in the town and be dealt with according to law.

Duty of sheriff or jailor.

Duties of town treasurer.

Sec. 8. That the Treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the Aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as Town Treasurer.

Sec. 9. That all orders drawn on the Treasurer shall be signed by the Mayor and countersigned by the Clerk, and state the purposes for which the money is applied, and the Treasurer shall specify said purpose in his account and also the sources whence are derived the money received by him: *Provided*, all claims against the corporation shall be audited by the Board of Aldermen before any order shall issue for the payment of the same. Warrants on treasury. Proviso.

Sec. 10. That the Aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of the citizens, and cause the same to be posted at the court-house door ten days before the day of the annual election of Aldermen. Annual financial statement.

Sec. 11. That it shall be the duty of the Constable to see that the laws, ordinances and the orders of the Aldermen are enforced, and to report all breaches thereof to the Mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in Sheriffs and County Constables. He shall execute all precepts lawfully directed to him by the Mayor or others, and in the execution thereof he shall have the same powers which the Constables and Sheriff of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the Constable of the county on like processes and precepts, and also such other compensation as the Aldermen may allow. The Board of Aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the town may require, who shall hold their offices for such term as may be fixed by the board. The members of the police force shall give bond in such sums as the Board of Aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town, and to faithfully account for all moneys that may come into their hands from fines, penalties, etc. The chief of police and each member of the force shall have all the rights, powers and authorities and duties vested in Sheriffs and Constables of the county by law, and conferred upon the Town Constables by the charter of the town of Lexington and chapter sixty-two (62) of The Code, relating to towns and cities, in the discharge of their duties. They shall execute all processes directed to them by the Mayor or others, and in the execution thereof shall have the same powers which Sheriffs and Constables have. The chief and members of the police force shall take an oath before the Mayor for the faithful performance of the duties required by law and ordinances. The policemen shall have power to take bail for appearance of defendants or other persons charged with violations of town ordinances, in the manner and to the extent that such power is vested in Sheriffs; and in case any Duties of constable. Police force to give bond. Chief of police. Code.

person or persons shall not appear, the Mayor may issue a *scire facias* and enter judgment final against the offending party and his sureties. The chief of police shall have power to re-arrest, upon the same warrant, a defendant or party which has been convicted and turned loose upon the statement that he will pay fine and cost,

Fees of policemen. upon failure to pay the same, or in case of an escape, the chief and other policemen shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the Mayor or others,

Compensation. the same as that of Sheriffs for like services. The Commissioners shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigency the Mayor may appoint temporary additional policemen for such time as shall ap-

Oath of office, etc. pear necessary, who shall take the same oath and be subject to the

Control of police force. same control as regular policemen. The Mayor may at any time, upon charges preferred, or upon finding said chief or any member of said police force guilty of misconduct, suspend such member from service until the Board of Aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of suspension to the time of his restoration to service.

Power to lay out and open streets, etc. Sec. 12. That the Aldermen shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, or any sidewalk within the corporate

Condemnation of land. limits of the town, and shall have full power and authority to con-

Procedure. demn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof, but in case the owner of the lands and the Aldermen cannot agree as to the damage, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the Mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the benefits shall be deducted from the damages, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the Aldermen the right to use the land for the purpose specified, and all damages agreed upon by the Aldermen or awarded by the arbitrators shall be paid as

Right of appeal. other town liabilities, by taxation: *Provided*, that either party may appeal to the Superior Court, as now provided by law, and the

Mayor or Board of Aldermen shall transfer the award and all the original papers to the next ensuing term of the Superior Court.

Listing of taxes.

Sec. 13. That the Mayor, on or before the third Wednesday in May of each and every year, shall make advertisement in some newspaper and by posting notices at three public places in the town, notifying all persons residing in the town of Thomasville who are liable for poll tax, or who own or have control of taxable property in the town on the first day of June, to return to the Town Clerk on or before the last day of June a list of their taxable property in said town; said list shall state the age of the man, number of lots or parts of lots, and all other property now taxable or that may hereafter be made taxable by the laws of the State or ordinances of the town, and the list so returned to the Town Clerk shall be sworn to before him, and he is hereby authorized to administer the following oath: "I,....., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds, and an accurate list of all the property subject to taxation by the laws of the State and ordinances of the town, according to my best knowledge, information and belief: So help me, God." And from the returns so made the Town Clerk shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State and county taxes, and the said Clerk shall copy in said book the assessment on file in the Register of Deed's office of all property within the town limits, which assessment may be revised, corrected or amended by the Board of Aldermen. The Town Clerk shall furnish the Mayor a list of all taxable polls, and the names of owners of taxable property in said town not returned for taxation, in the manner and within the time aforesaid, and any such person who has so failed shall, for such failure, pay double the tax on any such subject for which he is liable to be taxed, and be subject to the same penalty as is now prescribed by the laws of the State against parties who fail to list their polls and taxables. The Board of Aldermen shall have all the power given to the Board of County Commissioners to revise the tax list, and shall, as near as may be made, make the list correspond with the tax list of the county of Davidson on all subjects embraced in both lists.

Oath of tax payer.

Duties of town clerk.

Revision of tax list.

Levy of taxes.

Sec. 14. That as soon as the Clerk shall have furnished the assessment roll as provided, and the same shall have been approved by the board, the Aldermen shall proceed to levy the taxes on all real and personal estate within the corporate limits of said town; also upon all moneys on hand, solvent credits and upon all the polls and

other subjects of taxation taxed by the ordinances of the town or by the General Assembly for public purposes, not exceeding one ($1) dollar on the hundred dollars valuation of property and three ($3) dollars on the poll; and the said board may tax trades, professions, franchises and incomes as authorized or allowed by law under the Constitution, and shall have power to levy and collect, as other taxes, a commutation on all persons residing within the corporate limits of Thomasville who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets; and any party or parties subject to road duty as aforesaid who fail to pay any such commutation or perform personal services on the roads and streets, shall be subject to the same fines and penalties as are now prescribed by the road law of the State for failure to work public roads; that as soon as the Board of Aldermen shall have levied the taxes, and the books are completed and endorsed by the Mayor, he shall place them in the hands of the Collector for collection, who shall complete the same on or before the first day of November next ensuing, and shall pay the moneys to the Treasurer on or before the second Monday in November; and the Collector shall receive such percentum on the amount collected as may be determined by the Board of Aldermen: *Provided*, the Aldermen may extend the time for collecting and paying over said tax; but on the first day of November there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter shall be added until the same be paid.

Tax rate.

Trades, professions, etc.

Road duty.

Collection of taxes.

Compensation of collector.

Proviso.

Sec. 15. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the Collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days at the court-house door and in some newspaper published in the town, or county of Davidson, if the property be personalty, and for the space of thirty days if the property be realty, without judgment or execution. When the tax due on any lot or other lands, which is hereby declared to be a lien on the same, shall remain unpaid on the same until the first day of November, and there is no other visible estate liable to distress and sale known to the Collector, but such lot or lands belonging to the person in whose name it is listed, he shall report the same to the Aldermen, with a description of the real estate, and thereupon the Aldermen shall direct the same to be sold at the court-house door in Davidson County by the Collector, after advertising as directed herein, which he shall do, and the Collector shall divide the said lands into as many parts as may be convenient for such purpose; he may employ a surveyor, and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be

Failure to pay tax.

Sale.

Sale of land for tax.

conveniently divided, the Collector shall sell the whole; and if no person will pay the whole of the said taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to said town in fee, and the Collector shall execute a deed therefor. The Collector shall return an account of his proceedings to the Aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered in the books of the proceedings of the board; and if there shall be a surplus, after paying said taxes and expenses of advertising and selling the same, it shall be paid into the town treasury, subject to the demands of the owner. The owner of any lands sold under the provisions of this charter, or any persons acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of the taxes and expenses, and the Treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes. If the estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assignees, and the recital in such conveyance, or in any other conveyances of lands sold for taxes due the town that the taxes were due, or any other matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done. The real estate of infants, or persons *non compos mentis*, shall not be sold for taxes, and when the same shall be owned by such in connection with other persons free of such disability, the sale shall be as provided in The Code.

Tax deeds.

Redemption.

Real estate of infants, etc.

Sec. 16. That the Aldermen shall have the power to declare all horses, cattle, goats, hogs, geese, dogs and sheep and other animals running at large within the corporate limits of the town, nuisance, and the Commissioners at their option may impose a fine upon the owner or owners of said animals running at large, or may treat the same as nuisances and have it abated, or impound the same under such regulations as they may adopt.

Police powers.

Sec. 17. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer or any other spirituous, vinous or malt liquors by a less measure or in less quantity than three (3) gallons within the corporate limits of Thomasville, without having first paid the tax and obtained a license therefor, as herein provided: *Provided, however*, that the Town Aldermen shall issue license for retailing lager beer and ale, and these alone, upon the payment of an annual tax not exceeding four hundred ($400) dollars; and that the said Aldermen shall have authority to revoke such license at any time upon the payment to the party holding it of that portion of the tax paid corresponding to the unexpired term of the license.

Sale of liquors.

Proviso.

Billiard and pool tables, games of chance, etc.

Sec. 18. That no person shall erect, put up, keep, use or maintain any billiard table, ten-pin alley or any gaming table or place by whatever name known or called, at which games of chance, hazard or skill shall be played, within the corporate limits of Thomasville, without first having paid the tax and obtained a license therefor, as herein required: *Provided, however*, that the Town Aldermen may issue license for erecting, keeping and maintaining a billiard table and pool table, upon the payment of an annual tax of not exceeding two hundred ($200) dollars, and the Aldermen shall have same power to revoke such license as is provided in section seventeen of this charter. In addition to the subjects listed for taxation, the Aldermen may levy a tax on the following, the amount of which tax, when fixed, shall be collected by the Tax Collector immediately, and if the same be not paid on demand, it may be recovered by suit, or the article on which the tax is imposed or any other property of the owner, may be forthwith distrained and sold to satisfy said tax:

Proviso.

License taxes.

Itinerant merchants, etc.

(1st). Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding one hundred ($100) dollars per year, except such only as sell books, charts or maps and productions of the growth or manufacture of this State, when proven by the applicant to be such domestic production, not excepting vendors of medicine by whomsoever manufactured.

Hotels, etc., exception.

(2d). On all keepers of hotels, boarding-houses, eating-houses or restaurants, fish or meat stands or markets, or bread stands, or fruiterers, or barber shops, a tax not exceeding thirty ($30) dollars per year; but such persons as take boarders only during the terms of the Superior Court shall not be liable to be taxed as hotel-keepers.

Public wagons, drays, etc.

(3d). Upon every dray, wagon, carriage, buggy or other vehicle used in the town for the conveyance of persons, freight or goods, for hire, a tax not exceeding twenty ($20) dollars.

Express, telegraph and telephone companies.

Itinerant dealers in stoves, ranges, etc.

(4th). That every express company, telegraph or telephone company, itinerant dealer in lightning-rods, stoves or sewing machines, shall pay a license tax not exceeding forty ($40) dollars.

Persons soliciting orders for photographs, etc.

(5th). Upon persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therewith, each dancing school, or any itinerant person taking or enlarging a likeness of the human face on orders or otherwise, itinerant traders, shall pay a license tax not exceeding twenty ($20) dollars per year.

Encroachments on streets, etc.

(6th). Upon all encroachments on the streets by porches, piazzas, allowed by Aldermen, a tax not exceeding two ($2) dollars per front foot per year.

Circuses, etc.

(7th). Upon every company of circus riders or performers, by whatsoever name called, who shall exhibit within the town or within one mile of the limits thereof, a license tax not exceeding one hundred ($100) dollars for each performance or separate exhibition,

and upon every side-show connected therewith, a tax not exceeding ten dollars, the tax to be paid upon exhibition; and if not so paid, the tax to be doubled.

(8th). Upon every person or company exhibiting within a town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty dollars for each performance or exhibition of not more than twelve hours, the tax to be paid before exhibiting, or the tax to be doubled. Theatrical companies, etc.

(9th). Upon each show or exhibition of any kind not mentioned, or concert for reward (except for religious purposes or interest) within the town or within one mile thereof, a tax not exceeding ten dollars for each performance. Shows, exhibitions, etc.

Sec. 19. That the Aldermen of the town of Thomasville shall annually impose, levy and collect a corporation tax of not exceeding the amount hereinbefore specified upon every person obtaining a license for any one of the purposes specified in the sections seventeen and eighteen of this act; and said Aldermen shall grant no license to any person for any one of the purposes herein enumerated until he shall have paid all the taxes imposed for said license and proved a good moral character, by the oaths of not less than two citizens of said town, and until he shall have given a bond payable to the State of North Carolina, for good security, in the sum of five hundred ($500) dollars, conditioned for the keeping of an orderly and lawful house; and if any retail dealer violates the conditions of said bond, the Aldermen shall have power to revoke his license and put said bond in suit to collect the penalty therein. Levy of license tax. License, how procured.

Sec. 20. That no court, Board of County Commissioners, Sheriff or any other officer shall grant a license to any person for any one purpose specified in sections seventeen and eighteen of this act, to be kept up, used, carried on or exercised within the corporate limits of Thomasville, unless such person shall produce before such court, Board of County Commissioners, Sheriff or other officer a license therefor, granted by the Aldermen of said town, duly signed by the Mayor thereof, and that any person who shall violate any of the provisions of sections seventeen and eighteen of this act shall forfeit and pay to the Aldermen the sum of fifty ($50) dollars for each offense, to be sued for and recovered for by the said Aldermen, and such violation shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars or imprisoned thirty days, at the discretion of the court; and each act of selling or retailing shall be deemed a separate offense, and each day or part of a day in which any billiard table, ten-pin alley or any gaming table or place where any games of chance, hazard or skill shall be kept up, maintained or played, by whatever name, shall be deemed a separate offense and a violation of this act. The County commissioners, etc., not to grant license, when. Penalty for doing business without license.

fine imposed for violation of any ordinance against retailing without a license, or other offenses, shall accrue to the town, notwithstanding the said offenses shall also be triable before the Superior Court and punishable by said court, and the Aldermen shall have power to adopt ordinances making the fines recovered for violation of any town ordinance payable to said town.

Abatement of nuisances.

Sec. 21. That the Aldermen may require and compel the abatement and removal of all nuisances within the town, at the expense of the person causing the same or the owner or tenant of the ground wherever the same may be; they may also prevent the establishment of and may regulate, if allowed to be established, any slaughter-house or place for the exercise within the town of any offensive or unhealthy business, trade or employment; the Board of Aldermen may declare any public or private building, or any frame-work, smoke-stack, wind-mill or structure of any kind in the corporation, to be a nuisance, and have it abated by removal or otherwise, as they may direct: *Provided*, that upon inspection such building or structure is found to be dangerous or hazardous in any [way] to life or property, the expense of removing or otherwise abating such nuisance shall attach to the property and be a lien thereon, and collectible as other taxes. The Board of Aldermen shall have the power and it shall be their duty to prohibit all trades, occupations or acts which are a nuisance, from being carried on in said town, and the power and authority of said Board of Aldermen for the abatement and removal of nuisances shall extend one (1) mile beyond the limits of the town. They shall have the power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates, to be drained and filled up, and to recover from the owner or occupier the expenses, which expense shall be a lien on the lot, which lien may be enforced as liens for taxes: *Provided*, the owner or occupier of said lot, after ten days' notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within, and for one mile without the town limits, to be removed or abated, and for removing or abating any such nuisance the person permitting or causing or creating the same shall pay the expenses as above required and enforced.

Slaughter-houses, etc.

Proviso.

Nuisances to be prohibited, etc.

Proviso.

Fire department.

Police powers, etc.

Sec. 22. That the Board of Aldermen shall have power to provide water, take all proper means to prevent and extinguish fires; to make regulations to cause due observance of the Sabbath, appoint and regulate town police, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within the town, to regulate the speed of riding and driving on the public streets, and to keep, or require to be kept, the sidewalks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or

shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owner of the adjacent lots who may refuse to do the same on five days' notice from the Mayor of the town. The Aldermen may take such measures as they may deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infested with such diseases; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such diseases, and whose stay may endanger the health of the town, to be removed to the hospital, if the town has one, if not, where the Mayor may direct; may remove from the town or destroy any furniture or other article which should be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate, by any reasonable means, all nuisances which may be injurious to public health. In case any person shall be removed to the hospital, or to the place directed by the Mayor, the corporation may recover, before the Mayor or some justice of the peace, of such person the expenses of removal, support, nursing and medical attendance, burial expenses also, in case of death. If any person shall attempt, by force or by threat of violence, to prevent the removal to the hospital or the place selected by the Mayor, as aforesaid, of any person ordered to be carried there, the person so offending shall forfeit and pay to the town fifty dollars, and be deemed guilty of a misdemeanor. Contagious diseases, etc.

That all persons owning lots in the town of Thomasville, North Carolina, which front on the street and sidewalks that may be macadamized, graded, paved and otherwise improved by the Mayor and Aldermen of said town, shall pay respectively one-half the expenses of grading, paving or otherwise improving said sidewalks which shall be adjoining and immediately in front of said lots respectively; that the Board of Aldermen of said town shall levy a tax on each and every of said persons owning said lots which shall be equal to one-half of said amount of such expenses respectively, and the Town Tax Collector shall collect said taxes in the manner and at the time provided by law for the collection of other town taxes, and the said money shall be applied to the payment of said expenses respectively, and to no other. Street improvements.

Sec. 23. That the town of Thomasville is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two (62) of the 2d Volume of The Code, entitled "Towns and Cities," not inconsistent with any of the provisions of this act. Powers. Code.

Sec. 24. That the Aldermen shall have control and direction of the cemetery, and pass all resolutions and ordinances for its care Cemeteries.

and preservation, and may appropriate such sums of money as they may deem fit to keep it in good order.

Building regulations.

Sec. 25. The Aldermen shall have power to regulate and control the erection of wooden buildings within the corporation, so as to prevent loss, danger or damage by fire; they may also provide for the establishing, organization, equipment, government and pay of such number of fire companies as they shall deem necessary and property, that in case of fire occurring in said town the Mayor, or in his absence a majority of the Aldermen who may be present, may order the blowing up or pulling down or destroying of any house or houses deemed necessary to stop the progress of the fire, and no person shall be held liable civilly or criminally for acting in such case; in obedience to such order they shall have power to establish fire limits within the town; they may prohibit wooden buildings from being removed from without to within said fire limits, or from being removed from one place to another within the same, or the erection of wooden buildings within said fire limits, under such fines and penalties as the Aldermen may prescribe.

Destruction of buildings to prevent spread of fire.

Use of county jail, etc.

Sec. 26. That the Aldermen may use the county jail for the confinement of prisoners, or they may erect or rent suitable buildings for that purpose.

Conflicting laws repealed.

Sec. 27. That all laws and clauses of laws inconsistent with this act be and the same are hereby repealed.

Sec. 28. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 279.

AN ACT TO AMEND SECTION TWO OF CHAPTER 243 OF THE PRIVATE LAWS OF 1901 RELATING TO GRADED SCHOOLS IN THE TOWN OF MOUNT OLIVE.

The General Assembly of North Carolina do enact:

Section 2, chapter 243, Private Laws 1901, amended.

Section 1. That section two of chapter two hundred and forty-three of the Private Laws of 1901 be amended by striking out all in said section after the word "Olive" in line five, down to and including the word "Olive" in line seven.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, 1903.

Chapter 280.

AN ACT TO INCORPORATE THE PERPETUAL INSURANCE COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Edwin C. Gregory, Walter Murphy and A. H. Boyden, and all other persons who may become stockholders thereof, be and they are hereby constituted a body politic and corporate under the name and style of the "Perpetual Insurance Company of North Carolina" for a period of ninety years, and under that name shall have all the powers, privileges and franchises incident to such corporation under the laws of North Carolina. That said company shall have a capital stock of one hundred thousand dollars, divided into ten thousand shares of ten dollars each, with the privilege of increasing as a majority of the directors may from time to time determine: *Provided*, fee is paid Secretary of State upon each and every increase, as provided by chapter 2, Laws 1901. Said stock to be paid in such a way and manner as the board of directors may determine.

Corporators. Corporate name. Corporate powers. Capital stock. Shares. Fees for increase. Stock, how paid.

Sec. 2. That said corporation shall have the right to insure buildings, furniture, stocks of goods and other property against loss by fire, lightning and water, wind or tornado, to any amount not exceeding the cash value of the property insured, and to re-insure its business. No policy of insurance shall be insured until twenty-five thousand ($25,000) dollars stock is subscribed and ten thousand ($10,000) dollars paid in cash, or its equivalent. And said corporation shall sue and be sued in any court, and may use and have a common seal, and shall be entitled to own real and personal property to any amount that may be thought needful for the purpose of the corporation, and may buy and sell the same.

Corporate rights and powers. When to begin business. Corporate powers.

Sec. 3. That there shall be annual meetings of the stockholders of said corporation for the election of a board of directors of at least five members. That at the stockholders' meeting each stockholder shall be allowed one vote for each share of stock owned, and a majority of the stock shall constitute a quorum for the transaction of business, with the right of voting by proxy. That the board of directors so elected may choose such officers and for such length of time as they may by a majority of votes determine; shall have power to make such by-laws, rules and regulations as may be thought necessary, not contrary to the laws of the State, and may establish their home and branch offices at such places as they may think best, and that three directors shall constitute a quorum for the transaction of business.

Stockholders' meetings. Directors. Voting power. Quorum. Proxy. Other officers. By-laws. Offices.

Sec. 4. That the reserve and assets of the company shall be invested in safe securities and in such securities as the directors may

Investment of reserve and assets.

Powers of directors.

direct; and the board of directors shall have full authority and discretion of doing all things necessary for the purpose of conducting a successful fire insurance business.

Dividends.

Sec. 5. The authority is hereby vested in the officers and directors to declare a dividend to the policy-holders of this company as they may see fit, not to exceed twenty per cent. in any one year.

Liability of stockholders.

Sec. 6. No stockholder or policy-holder shall be individually liable for the debts of the corporation.

Power of representation.

Sec. 7. That said company shall have power to represent, as agent or attorney, any corporation or individual authorized to do business under the laws of North Carolina.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, 1903.

Chapter 281.

AN ACT TO INCORPORATE THE SOUTHPORT AND NORTHWESTERN RAILROAD.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Nathan O'Berry, Chas. Dewey, J. B. Edgerton, R. E. L. Brown, J. A. Brown, J. T. McKenzie, and such other parties that may be associated with them, and their successors and assigns, be and they are hereby created a body corporate by the name of

Corporate name.

The Southport and Northwestern Railroad, under which name it

Corporate powers.

shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the powers, rights and privileges of other like corporations under existing laws and those hereafter enacted.

Capital stock.

Sec. 2. The capital stock of said company shall be one hundred

Increase.

thousand dollars, with the right to increase to five hundred thousand

Shares.

dollars, divided into shares of one hundred dollars each: *Provided,*

Provisions for increase of capital stock.

such increase shall only be made upon applications to the Secretary of State, and leave granted by him; such applications to be accompanied by a receipt from the State Treasurer for the taxes prescribed by section 97 of chapter 2 of Public Laws of 1901, and all

Subscriptions, in what paid.

subscriptions to the capital stock may be paid in money, labor, land, materials or other things of value, as may be agreed upon between the company and the subscribers; and the shareholders of said company may from time to time increase the capital stock to an amount

Voting power.

deemed requisite for the best interest of the company. In all stockholders' meetings each share shall entitle the owner to one vote.

Books of subscription.

Sec. 3. Books of subscription may be opened by any two of the corporators hereinbefore named, at such times and places as they may appoint, and after ten per cent. of the capital stock has been subscribed and five per cent. of such subscription paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five members, and said directors shall elect one of their own body as president of the company.

Organization.

Board of directors.

President.

By-laws.

Sec. 4. The said company shall have power to make all such by-laws and regulations, consistent with the laws of the State, for its own government and for the due and orderly conduct of its affairs and the management of its property, as it may see fit, and to change the same at pleasure. It shall have power to fix the number of directors, not less than five, to provide for their election and to define their power, and to provide for the election of president and such other officers as it may desire. The principal office of this company shall be in the town of Whiteville, N. C.

Number and election of directors.

Certificates of stock.

Sec. 5. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company, and authenticated by its seal, and such certificate shall be transferable in such manner as may be prescribed by the by-laws of the company.

Railroad, where located.

Sec. 6. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose, from some point on the Wilson and Florence Short-cut, in the county of Robeson, through Robeson, Bladen, Columbus and Brunswick Counties to Southport, or some point on the coast; and also to construct, equip and operate branches to the said railroad in any direction, such branches not to exceed twenty-five miles in length: *Provided*, said company may build its said road to or from any point between the termini above named. The said company shall also have power to cross other railroads at grade and to connect with any railroad now or hereafter chartered and built; to purchase or consolidate with any such railroad under any corporate name the parties in interest may choose; and the said company shall have full power to dispose of by sale, lease or otherwise the said railroad and all other property of the company, or any part thereof, and to cease to operate and to remove the railroad and telegraph and telephone lines whenever the operation of them or either of them becomes unprofitable: *Provided*, nothing in this act shall be construed to allow the said company to become the channel through which any competing railroad companies may consolidate.

Branch roads.

Powers as to other railroads.

When company may cease to operate and remove railroad, etc.

Proviso.

Telegraph and telephone lines.

Sec. 7. The said company is hereby authorized to build and operate telegraph and telephone lines upon its road or any part thereof.

Right to condemn land.

Sec. 8. For the purpose of obtaining rights of way and depot stations for said railroad, the company is authorized to acquire by purchase such lands along its line as it may need; and if it

cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have a right to acquire a title in fee-simple by condemnation proceedings as prescribed in chapter forty-nine of The Code of North Carolina: *Provided*, the strip of land condemned shall not be less than fifty nor more than one hundred feet in width, at the option of the company, along the line of said railroad, and one acre for each depot station.

Amount of land which may be condemned.

Exclusive rights to transport freight and passengers, etc.

Sec. 9. The said company shall have exclusive right to carry and transport freight and passengers over and along said railroad and upon vessels and boats run in connection therewith, at such rates as the company may prescribe, subject to law.

Corporate powers.

Sec. 10. The said company is empowered to purchase, build, own and operate lumber mills; to conduct a general lumber business in all its branches; to acquire, own and operate steam and other vessels for water transportation. It may purchase lands and timbers and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law.

Power to borrow money and secure the same.

Sec. 11. The said company is empowered to borrow money for the construction, maintenance and operation of said railroad and other enterprises hereby authorized, and issue bonds therefor, and execute and deliver mortgages and deeds of trust upon the franchises of the property of the company to secure the payment of said bonds.

Provisions for contiguous counties, cities and towns to subscribe to capital stock, and hold elections therefor.

Sec. 12. That any county, township, city or town along or near the line of said road may subscribe to the capital stock of the said company in the following manner: Upon presentation in writing, signed by not less than one-fourth the freeholders and resident tax payers of the county, township, city or town, to the Board of County Commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the Board of Commissioners of said county, or proper authorities of said city or town, shall, within thirty days, order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall vote a ballot upon which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of

North Carolina; such election shall be held after thirty days' notice thereof shall have been given specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, town or city where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or proper authorities of said city or town.

When authorized by majority of qualified voters, commissioners to make subscription and issue bonds.

Sec. 13. If a majority of the qualified voters vote for subscription, then the Board of Commissioners of said county or proper authorities of said city or town shall immediately make such subscriptions, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for said [such] number of years, and bear such rate of interest as the petition and order of election shall indicate.

Tax levy to pay bonds and interest and create sinking fund.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in such county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collection officer of said county, township, city or town to the Treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Collection, manner of keeping and use of special taxes.

Investment of sinking fund.

Power of company to issue bonds and execute mortgages to secure the same.

Sec. 15. It shall be lawful for the said Southport and Northwestern Railroad chartered by this act to issue coupon bonds in such denominations, and running for such time, and having interest at such a rate, and payable at such time and places as the board of directors may direct, to be sold or hypothecated by the directors of said company, and to secure payment of the same the company is authorized to execute a mortgage to such persons or corporations as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such sepa-

rate sections, and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Columbus County, and upon registration in Columbus County it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

Mortgages, where registered.

Leasing convicts to aid in construction of said road.

Sec. 16. That the board of directors of the Penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road, on such terms as may be agreed upon. The said convicts to be guarded and superintended by the authorities of the Penitentiary, and be hired to said company as provided by law.

Liability of stockholders, etc.

Sec. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Townships along line of road created bodies corporate.

Powers and liabilities.

Sec. 18. That for the purpose of this act all the townships along the line of the railroads, or which are interested in the construction as herein provided for, shall be and they are hereby declared to be bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The County Commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of said counties respectively.

County commissioners corporate agents of townships.

Beginning, operation and rights of transportation.

Sec. 19. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed, and shall have the exclusive right of transportation over the same.

Sec. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 282.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF KINSTON, IN THE COUNTY OF LENOIR, NORTH CAROLINA," BEING ACT OF 1899, CHAPTER 180.

The General Assembly of North Carolina do enact:

Section 4, lines 10 and 11, page 457 amended.

Section 1. That the words "not exceeding in value one hundred thousand ($100,000) dollars," being the words in section 4, lines 10 and 11, page 457, be stricken out.

Line 1, section 5, amended.

Sec. 2. That the word "annually," it being the third word from the beginning of section 5, be stricken out, and the word "bienially" be inserted in lieu thereof.

Line 2, section 5, amended.

Sec. 3. That the words "each year," being the first two words on line 2, section 5, be stricken out.

Section 61, article 2, amended.

Sec. 4. That the words "not exceeding one hundred and twenty ($120) dollars," they being the 18th to 24th words, inclusive, in section 61, article 2, be stricken out, and the words "shall be one hundred and fifty ($150) dollars" be inserted in lieu thereof.

Section 28 amended.

Sec. 5. That the words "who shall respectively hold their offices during the official term of the Mayor and Aldermen," they being the words 47 to 61, inclusive, in section 28, be stricken out, and the words "at the pleasure of the Board of Aldermen" be inserted in lieu thereof.

Section 44a added relative to swimming in Neuse river within two miles of corporate limits.

Sec. 6. That the following section, 44a, be added to section 44: That the said Aldermen may also regulate or forbid bathing or swimming in Neuse River within two miles of the corporate limits of said town by providing ordinances against it, and may exercise police authority on either side of the banks of said river within said distance for the purpose of enforeing such ordinances.

Section 26a inserted, provides for new registrations.

Sec. 7. That the following section, 26a, be inserted in said act between sections 26 and 27: That there shall be a new registration of the voters of the town of Kinston from April 1st to 15th, in the year 1903, and as often thereafter as the Board of Aldermen shall think it advisable and expedient, as provided for in county and State officers' election.

Question of bond issue for public improvements to be submitted to voters May 4, 1903.

Sec. 8. That the Board of Aldermen of the town of Kinston are hereby authorized and directed to submit to the qualified voters of the town of Kinston, on the 4th day of May, 1903, the question whether the said town shall issue bonds of said town in an amount not exceeding one hundred and fifty thousand ($150,000) dollars, for the purpose of providing and maintaining a system of waterworks, sewerage, electric fire alarm system, and improvement of electrie light and street and public buildings of said town. The Board of Aldermen shall have the power to condemn property for

Power to condemn property and extend sewerage, etc.

Election, how held.

sanitary purposes and extension of sewerage and water-works system two miles from the corporate limits. The said election shall be held and conducted under the same rules and regulations and penalties as are now prescribed by law for the election of municipal officers of said town, as prescribed for in sections 5, 6 and 9 of chapter 180, Acts 1899, and at said election each voter shall vote a printed or written ballot, with the words "For Bonds" or "Against Bonds."

Form of ballots.

Bonds: form, maturity, interest rate, etc.

Sec. 9. That the Board of Aldermen are authorized and empowered to prepare the said bonds in denominations to be fixed by them, and running for a period or periods of years not exceeding 40 years, and at the lowest rate of interest attainable, not exceeding 5 per cent. per annum, and the bonds shall not be sold below par. The Board of Aldermen shall place the same upon the market and dispose of same to the best interest of said town, and the moneys derived from said sale of said bonds shall be used under the direction of the said Board of Aldermen. That the bonds authorized to be issued by this act shall be deemed to be duly executed when signed by the Mayor and countersigned by the clerk of the Board of Aldermen under the corporate seal of said town, and the coupons thereto attached shall have lithographed *fac similes* of the Mayor and Clerk's signature.

Disposal of bonds and use of proceeds.

Execution of bonds and coupons.

Town treasurer to hold and disburse proceeds of bonds.

Sec. 10. That all moneys derived from sale of said bonds and from any source whatever pertaining to the said system of water-works, sewerage, electric fire alarm system, electric light and street improvements shall be paid to the Treasurer of said town, who shall disburse the same under the direction of said Board of Aldermen, and the said Treasurer shall execute a bond payable to the town of Kinston for the faithful and proper discharge of all compliances with his duties, and the amount of said bond shall be fixed at the discretion of said Board of Aldermen, and an account of these funds shall be kept separate from other city funds, and the said funds shall be paid out only on the order of said Board of Aldermen, and said Treasurer shall receive such remuneration for his services as the Board of Aldermen may allow.

Treasurer's bond.

Amount.

Account.

When funds paid out.

Treasurer's remuneration.

Sec. 11. That this act shall take effect from and after the date of its ratification.

Conflicting laws repealed.

Sec. 12. That all laws and clauses of laws inconsistent with or in conflict with the provision of this act are hereby repealed.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 283.

AN ACT TO INCORPORATE THE CAROLINA COAST RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Thomas Duncan, Christopher D. Jones, George Charles Speight and William L. Thomas of Carteret County, State of North Carolina, John L. Roper, George W. Roper and W. B. Roper of Norfolk, in the State of Virginia, and their associates, successors and assigns, be and are hereby constituted and created a body politic and corporate under the name and style of the "Carolina Coast Railroad Company," and as such may sue and be sued, plead and be impleaded in the courts of the State, and shall have the powers herein granted, and is hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter 49 of The Code of North Carolina, entitled "Railroads and Telegraph Companies," and the amendments thereto. Said company may make ordinances, by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority and for the management of its estate and for the due and orderly conduct of its affairs.

Corporators. Corporate name. Corporate powers. By-laws.

Sec. 2. The said company shall have power and authority to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to and will advance the interest of the said company; to elect or appoint all necessary officers and prescribe their powers and duties; and to have and use a common seal, which it may change at pleasure, and to have and exercise all and every power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of the State or the provisions of this act.

Corporate powers.

Sec. 3. The said company upon its organization as hereinafter provided, shall have power to survey, lay out, construct, maintain and operate, by steam, electricity or any other motive power, a railroad with one or more tracks and telegraph and telephone lines from some point at or near Beaufort, in the county of Carteret, State of North Carolina, to deep water on Neuse River at or near Adams' Creek in said State, and shall also have the power to survey, lay out, construct, equip, maintain and operate, by steam or any other motive power, one or more branch lines from such point or points on the main line as said corporation may desire, the said branch roads to run in such direction and to such points or places as the said corporation may desire: *Provided*, that no one branch line shall exceed twenty miles in length. That said company shall also have the power and authority to survey, lay out, construct,

Location of road. Branch roads. Location of other part of road.

equip, maintain and operate, by steam, electricity or any other motive power a railroad with one or more tracks, running from some point on the northern side of Neuse River, opposite or nearly opposite the termination of the said road on the southern side of said Neuse River, to such point or points on Pamlico River as the said company may deem advisable.

Telegraph and telephone lines.

Sec. 4. The said company is authorized to construct and operate, at its option, one or more lines of telegraph or telephone along its railroads, and to charge and collect such remuneration for messages or dispatches as the board of directors may determine; and the said company may connect said lines of telegraph or telephone with the lines of any other company, and may lease or sell the same: *Provided*, said company shall be subject to all of the provisions of the law governing telegraph and telephone companies.

Barges, steam-boats and other vessels.

Sec. 5. The said company shall have the right to build, construct or purchase or own barges, steam-boats or other vessels, and may separately and in connection with the said railroad operate one or more steam-boat lines; and may, in operating said boats of any kind, become common carriers.

Sec. 6. That for the purpose of surveying, constructing, maintaining and operating said lines of railroad, said company is hereby empowered:

Right to enter lands of another to survey, etc.

First. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route or routes, and for such purpose its officers, agents, servants and employees may enter upon the land or water of any persons or corporations.

Grants of property to aid in construction.

Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance and operation of its roads.

Purchase or lease of property for construction and maintenance.

Third. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of roads, stations and all other accommodations necessary to accomplish the objects of its corporation, and to lease or buy land necessary for its use.

Amount of land company may take.

Fourth. To lay out its roads not exceeding one hundred feet in width, and to construct the same; and for the purpose of cutting any embankment and for maintaining gravel and other material may take as much land as may be necessary for the proper construction, operation and security of the roads, or to cut down any trees that may be in danger of getting on the track or obstructing the right of way.

Where company may construct road.

Fifth. To construct its road across, along or upon any stream of water, water-courses, streets, highways, canals, etc., which the route of the road will intersect or touch.

Sixth. To cross, intersect or join or unite its road with any other railroad heretofore constructed or hereafter to be constructed at any point on its route or upon the ground of any other railroad company with the necessary turnouts, sidings and switches or any other conveniences necessary in the construction of its road, and may run over any part of any other railroad right of way necessary or proper to reach its freight depot in any city or town, or to reach any other point of its right of way otherwise inaccessible through or near where its road may run, and may lay and use tracks through or into any town or city along its proposed lines by and with the consent of the corporate authorities of such town or city. Rights relative to property of other railroads. Rights relative to towns and cities.

Seventh. To take and convey for persons or property over their road by use of steam or any mechanical power, and to receive a compensation therefor, and to do all things incident to the railroad business; and to take and convey persons or property on their boats, and to do all things incident to a shipping business. Passengers and freights, tolls, etc.

Eighth. To erect and maintain convenient buildings, warehouses, docks, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of the passengers and freight business. Buildings, warehouses, docks, stations, etc.

Ninth. To regulate the time and manner in which passengers and freight shall be transferred, and the compensation to be paid therefor, subject to any laws of this State upon the subject. Time and manner of transferring freight and passengers.

Tenth. To borrow such sums of money at such rates of interest not contrary to law, upon such terms as said company or board of directors agree upon, and may be necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its road, branches, or both, or upon its other property or upon all of its property, whether the said road and branches have been completed or may be in process of construction by said company for the amount or amounts borrowed or owing by said company as its board of directors shall deem expedient. The said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in the connection with its road in any manner then belonging to said company or which shall thereafter belong to it as security for any bonds, debts or sums of money as may be secured by said deeds of trust or mortgages as they shall think proper. Right to borrow money and secure the same by mortgage or otherwise.

Sec. 7. The capital stock of said company shall be ten thousand dollars, and the same may be increased from time to time as the majority of the stockholders may determine up to one million dollars: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such Capital stock. Increase of capital stock, how made.

application to be accompanied by a receipt from the State Treasurer of the taxes required by section 97 of chapter 2 of Public Laws of 1901. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote, and the stockholder shall not be individually liable for the debts of the corporation; said shares of stock shall be transferrable in such manner as the by-laws of the company may provide. The books of subscription shall be opened by the incorporators, or a majority of them, at such time or times, place or places, and under such rules and regulations as they or the majority of them may prescribe. The said corporators, or a majority of them acting in person or by proxy, after the sum of ten thousand dollars shall have been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, and at such meeting the said subscribers to the capital stock shall elect a board of directors consisting of not less than three and not more than eleven members, who shall immediately elect one of their members president of said company. The stockholders of the company shall elect the directors, and the directors shall elect the president, vice-president and other officers of the company, and none of them except the directors, president and vice-president need be stockholders. The principal office of said company shall be within the State of North Carolina.

Shares.

Voting power.

Books of subscription.

Completion of organization.

Board of directors.

President.

Election of directors and other officers.

Principal office.

Subscriptions, in what made.

Sec. 8. The subscription to the capital stock of said company may be made in money, land or materials, or in bonds, stocks, or other valuable credits in such manner and upon such terms as may be agreed upon by the president and directors of the said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereon, to the benefit and use of said company, but before so declaring it forfeited, said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (post-paid), directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment in sixty days from the date of said notice, shall be served or mailed sixty days prior to the day on which payment is required to be made. The directors of the company may, if they see proper, authorize the treasurer or secretary of said company to sell at public auction the stock of any delinquent subscriber, and the same shall be sold subject to the payment of the balance due on said stock, which shall be a first lien thereon and on the proceeds thereof.

Proceedings when subscriber fails to pay installment of subscription.

May sell stock of delinquent subscriber.

Company may consolidate with other railroad or steamboat companies.

Sec. 9. The said company is hereby authorized and empowered to survey and consolidate its capital stock, estate, real and personal

and mixed, franchises, rights, privileges and property with those of any other railroad or steam-boat company or companies chartered by and organized under the laws of this State or any other State, whenever a majority of the stockholders of the company hereby chartered may desire; when the two or more railroads so to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads or steam-boat company, said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.

May buy or hold property or stock of other corporations.

Sec. 10. That the said company may have power to take, buy, purchase or lease the railroad, franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere, and may subscribe to, purchase or hold the whole or any part of the capital stock, bonds or credits of any other corporation incorporated under the laws of this State or any other State, whether the said corporation is now in existence or may be hereafter created, and may guarantee or endorse such bonds or stocks, or either. It may assign or lease its property or franchises, or any part thereof, to any other railroad company incorporated by the laws of this State or any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing or purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act: *Provided*, nothing in this act shall be construed to allow the said company to become the channel through which competing railroad companies may consolidate. The company shall have power to represent the capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have the power to use any section or portion of its roads or any other lines before the whole of same shall have been completed.

May assign or lease to other railroads.

Proviso as to competing railroads.

Corporate powers.

Annual meeting of stockholders.

Sec. 11. That a meeting of the stockholders shall be held annually at such time and place, either in this State or in other States, as may be determined by them, and at all such annual meetings the president and directors shall render the stockholders an account of the affairs of the company.

Power of president and directors to make expenditures and contract debts.

Sec. 12. That the president and directors of said company, under authority of the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction or operation of its railroad or steam-boats or other business.

Power to condemn land and procedure.

Sec. 13. Whenever for any cause this company is unable to agree with the owners of land over or near which it proposes to extend its road for the purchase of such land for its depots, road-beds, warehouses or other purposes of the company, the said company may proceed to have such land condemned and entered in the manner provided in chapter forty-nine of the 1st Volume of The Code of North Carolina. If the said company shall pay to the parties or into the court the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of the appeal, until final judgment is rendered on such appeal and the appellant or owner of the premises shall not be entitled to an injunction, restraining order or other process that would hinder, delay or obstruct the work. In the event that the true owner of the property taken as above mentioned is not noticed as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for assessment of the value thereof, but no action of ejectment shall be brought by him nor the occupation or possession of the company in anywise disturbed, unless within the time fixed by the court it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

When company may take possession of condemned land.

Where true owner has no notice, may petition for assessment of damages.

Action of ejectment, when may or may not be brought.

Proviso: where true owner under legal disability.

Amount of land which company may condemn.

Sec. 14. The right of said company to condemn or take land under this act shall be limited to a space of fifty feet on each side of its road-bed, measuring from the middle line of the same, except in case of deep cuts or high embankments, when the said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road, and except, also, that if for depots, warehouses, stations, station grounds, shops or yards, gravel pits or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Provisions for contiguous counties, townships, cities or towns to subscribe to capital stock and holding elections therefor.

Sec. 15. That any county, township, city or town along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities or other property in the following manner: Upon the presentation of a petition in writing, signed by not less than twenty-five per centum of the voters of the county, township, city or town, to the Board of Commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city or town or township where such petitioners may reside, a proposition to subscribe a definite sum to be named in said petition, and whether in money, bond or

otherwise to the capital stock of the company, the Board of Commissioners of said county or other proper authorities of such city or town and submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company, the amount to be specified in the petition, at which election all those qualified to vote who are in favor of such subscription and who shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of the county, township, city or town officers by the general election laws of the State. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house door of such county and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or to the proper authorities of said city or town. If a majority of the qualified voters shall vote for subscription, then the Board of Commissioners of said county or proper authorities of said city or town shall meet and make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than $100 and not more than $10,000, and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the Board of Commissioners and by the clerk of said board, witnessed by the official seal thereof, and if issued by a city or town they shall be signed by the Mayor and one of the Aldermen of such city or town, witnessed by their official seal, if they have one, if not, by the private seal of the Mayor and Aldermen issuing.

If result of election favorable, proper authorities to make subscription and issue bonds.

Denomination, maturity, interest and manner of executing bonds.

Sec. 16. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year, at the time of levying their other taxes, a sufficient tax upon the property and polls in said county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: *Provided,* in levying the said tax they shall preserve the equation between property and polls prescribed

Tax levy to pay interest and create sinking fund.

Collection of taxes. by the Constitution of the State. That the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officers of such county, township, city or town

How kept and used. to the Treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct from all other taxes and also shall be used for the purpose for which they are levied and collected, and

Investment of sinking fund. for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners as the county issuing said bonds in which there is a township issuing said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not

If property, rights, franchises, etc., transferred, subscriptions made to transferee. exceeding the par value thereof. In the event that the property, rights, franchises or any part thereof of this company are hereinafter acquired under the provisions of this act by any other company, the Board of Commissioners of any county making such subscription, or in which there is a township making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

For purposes of this act, adjacent townships and counties created bodies corporate. Sec. 17. For the purpose of this act all townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of this company as provided by this act, shall be and are hereby declared

Corporate powers. to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The

County commissioners corporate agents of townships. County Commissioners of the respective counties in which any such township is located are hereby declared to be corporate agents of the said township so incorporated and situated within the limits of said counties respectively, for the purpose of issuing the bonds of

Powers as such. the said township or townships and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund as herein

Power of county commissioners to represent stock of counties and townships. above mentioned, and the said Board of County Commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or they may appoint an agent or proxy therefor.

Provisions for obtaining and working convicts. Sec. 18. The Board of Directors of the Penitentiary of this State, or any other State in which this company may extend its lines, may upon the application of the president of this company, approved by

the Governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of said board, not more than one hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by the authorities of the Penitentiary and be hired to said company as is now or may hereafter be provided by law.

Right of way through lands owned by Board of Education.

Sec. 19. The State Board of Education is authorized and empowered to grant unto this corporation a right of way through any lands owned by the State Board of Education free of cost.

Corporate powers.

Sec. 20. This company shall have power to construct dams and culverts, tressels, bridges over and across streams, valleys and depressions, and to cross any navigable stream or canal on its road. It shall likewise have the right to cross all grade, over or under any railroad constructed or that may be hereafter constructed in the State, at any point on its road.

Time limit for beginning work.

Sec. 21. The said company shall have three years within which to begin the work of building and constructing the said road herein provided for, and may begin at any point on the line of its route.

Point of beginning.

[Sec. 22.] This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, 1903.

Chapter 284.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROSE HILL, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 4, chapter 67, Private Laws 1901, amended.

Section 1. That section four (4) of chapter sixty-seven of the Private Laws of 1901, be amended by adding after the last word in said section the following: And the Commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary, and they shall have power at any time to widen, change, extend and discontinue any street or streets whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owner or owners of land cannot agree with the Commissioners of the town regarding the damages to land or property, the Mayor of the town, by order of the Commissioners, shall issue a warrant, addressed to the Town Marshal or Constable, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by the party claiming damages, shall determine the value of the

Power to lay out, open, change or discontinue streets.

Power and procedure to condemn lands and assess damages.

property condemned, and assess the damages, after which they shall make their report, or a majority of them, in writing, and file same into the Mayor's office. Before proceeding to view said premises and assess said damages, the freeholders so summoned and selected shall take the following oath before the Mayor or other person authorized by law to administer an oath: I, A B, do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen, and a true report make: So help me, God. If the party or parties claiming damages refuses to select two appraisers, after notice in writing of five days as above provided, the report of the three appraisers summoned by the Constable shall be final: *Provided*, either party, the town or land owner may appeal to the Superior Court, and in that case the report of the appraisers and the proceedings therein shall be sent up to said court, there to be heard and determined.

Oath of appraisers.

Report.

Appeal.

Power to abate nuisances and pull down or remove buildings.

Sec. 2. That the Commissioners may require and compel the abatement and removal of all nuisances, and shall have power to pull down and remove any old house, barn or other building in said town when the same shall be deemed by them dangerous from fire or other causes, to the safety of the person or property of adjacent or abutting owners and residents: *Provided, however*, that before such removal the owner of such property shall be notified in writing by the secretary of such board of the action, and allow one month after notice for repairing or removing of such building.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 285.

AN ACT TO AMEND CHAPTER 240, PRIVATE LAWS OF 1899, RELATING TO THE CHARTER OF THE TRANS-APPALACHIAN RAILWAY SYSTEM.

The General Assembly of North Carolina do enact:

Section 6 amended by striking out $25,000 and inserting $35,000.

Section 1. That chapter 240, Private Laws of 1899, be amended by striking out the words and figures "twenty-five thousand ($25,000) dollars" in the third and fourth lines of the 6th section of said act, and inserting in lieu thereof the words and figures "thirty-five thousand ($35,000) dollars."

Sec. 2. This act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 286.

AN ACT TO INCORPORATE UNION LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. A. Tyson, S. T. Hooker, B. F. Tyson, B. F. Patrick, J. C. Tyson and C. S. Forbes, and such other persons as may become associated with them by subscribing to or purchasing the capital stock of the company, and their successors, are hereby constituted and declared to be a body politic and corporate under the name and style of Union Loan and Trust Company for a period of sixty years, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, may adopt and have a common seal which may be altered at pleasure, and may adopt such by-laws, rules and regulations for the management and government of its business and officers as may be deemed proper. Incorporators. Body politic. Corporate name. Term. Powers.

Sec. 2. The capital stock of said company shall be ten thousand ($10,000) dollars, divided into shares of one hundred dollars each, but it may be increased from time to time by and with the consent of a majority of the stockholders, to an amount not exceeding one hundred thousand ($100,000) dollars; but said company may commence business whenever five thousand ($5,000) dollars of the capital stock shall have been *bona fide* subscribed for and fifty per cent. thereof shall have been paid in cash. Capital stock. Shares. Increase. When to begin business.

Sec. 3. That the principal office and place of business of said company shall be in the town of Greenville, North Carolina, with the power of the corporation to remove the same to any other point within the State or within the United States, if it so elect; but said corporation may establish offices and agencies or transact business at such other places in this State or in any State or territory of the United States as it may deem proper. Principal office. Branch offices.

Sec. 4. The incorporators named in the first section of this act, or a majority of them, may open books of subscription to the capital stock of said company at such time and place and for such period as they may determine upon, and whenever five thousand dollars of the capital stock shall have been *bona fide* subscribed for, the said corporators, or a majority of them, may call a meeting of the subscribers or stockholders to be held in the town of Greenville, at such place and time as may be designated in the call, which may be in writing or by advertisement in some newspaper of general circulation published in the town of Greenville, and if at such meeting a majority of the stock is represented and fifty per cent. of the amount subscribed shall be paid in in cash, said incorporators may organize said company by the election of such directors as they may deem proper, not exceeding seven in number, who shall Books of subscription. First meeting. Election of directors.

manage the affairs of the company and shall hold office for one year, or until their successors shall be elected; said directors, when elected, as well as their successors, shall elect one of their own number president, shall elect and appoint such other officers as may be provided for by the by-laws, and shall fix the salaries of its officers and fill vacancies on the board of directors.

Officers.

Powers.

Dealing in real estate, etc.

Sec. 5. Said corporators shall have power to receive, purchase, buy and hold land, real estate and property, real, personal or mixed, to issue bonds therefor, and to improve, sell and dispose of the same in such parts, parcels, way and manner as they may deem best, and to this intent and purpose may enter into agreement, contracts and conveyances, and may lease, mortgage or otherwise dispose of and convey the same, and may receive for such sales or lease or mortgage such moneys, securities and things as they may choose, with power to issue or endorse bonds or borrow money and to prescribe the form of such conveyance, agreement, contracts, leases, mortgages or other instruments of writing and determine how and by whom the same shall be executed, with further power to make loans and advance money or other things, on such terms and on such security, real or personal, as may be agreed upon, and to engage in mining, building, mercantile or manufacturing enterprises. It may also act as agent in the collection of rents, notes, accounts and such other evidences of indebtedness on commission, may discount, buy and sell notes, drafts, bonds and other securities or evidences of debt; may act as broker or agent in the purchase and sale of stocks and bonds, and negotiate loans and receive commissions therefor; may lend money on mortgages of real and personal property, or both, or upon crops planted and unplanted; may own, maintain or lease warehouses and carry on the business of warehousemen and forwarders, and receive on storage or deposit all kinds of produce, merchandise or other personal property and make advances on same, and collect and receive interest and commissions and compensation for storage and all labor and expenses incident thereto.

Dealing in notes, bonds.

Warehouse storage business.

May exeeute trusts, act as executor, etc.

Sec. 6. That the said company be and it is hereby authorized to accept and execute trusts of any and every description which may be committed or transferred to it with its consent by any person or persons whomsoever, bodies corporate or public, or by any court in the State of North Carolina or in any one of the States of the United States, and to accept the office and appointment of executor, administrator or guardian whenever such office or appointment is conferred or made by any person or persons or by any court of this State or of the United States, or of any other State within the United States; and in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor or committee of a lunatic, it shall and may be lawful for such court, if

May act as guardian, assignee, etc.

it shall think fit, to appoint Union Loan and Trust Company, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and the accounts of the said company as such receiver, trustee, administrator, assignee, guardian or committee shall be regularly settled and adjusted before such tribunal; and upon such settlement and adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said company for its care and management of the trusts and estates as aforesaid, and the said company as such receiver, trustee, administrator, executor, assignee, guardian or committee shall be subject to all orders or decrees made by the proper tribunal by which such appointment may have been made: *Provided*, that said corporation shall not be eligible to an appointment by any court as executor, administrator, guardian or committee of a lunatic unless the capital stock of said corporation, with its surplus added, shall be equal to twice the value of the estate to be entrusted by said appointment to said company. And in accepting any of the trusts or powers herein enumerated, the said corporation may qualify by any of its executive officers.

Subject to orders of court.

Proviso.

Sec. 7. That said corporation may act as agent, factor or trustee for any State, county, township, city, town or other municipal corporation, or for any person or corporation, on such terms as to compensation as may be agreed upon in negotiating loans, registering, selling, countersigning, collecting, holding, acquiring, dealing in and disposing of any bonds, certificates of stock, notes or any description of property, real or personal.

May act as agent, factor, etc.

Sec. 8. That said corporation may become surety for the faithful discharge by any public officer, or by any individual, of the duties incident to his office or employment, as well as for the payment of any costs of any suit or action by any person or corporation required to give security therefor, and on any bond or undertaking required or permitted in any suit or other proceedings in any of the courts of this State or of the United States, or under the laws of this State, and may also guarantee title to property.

Surety and bonding business.

Sec. 9. That said corporation may organize and conduct a savings banking business in all its branches, may make such regulations in regard thereto, not inconsistent with the laws of this State, as will enable it to receive deposits in small sums, the limit to be fixed by its board of directors, and give therefor certificates or other evidences of deposit; and it may pay interest thereon by way of dividends out of the net earnings or at fixed rates according as it may be agreed between the company and its depositors, not exceeding the legal rate, and may regulate the term of payment and notice of demand.

Savings bank business.

Sec. 10. Said corporation may do a general banking business, and exercise all the rights, powers and privileges conferred by the laws of this State on bankers and corporations, especially those set forth

General banking business.

The Code, in chapter four, Volume II of The Code of North Carolina: *Provided*, that before the said corporation shall exercise the power conferred in this section there shall be at least twenty thousand ($20,000) dollars of its stock paid in: *Provided further*, that the stockholders of said corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements made and incurred by it as a banking institution to the extent of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Proviso.

Proviso.

Deposits. Sec. 11. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree upon; and when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially, to their own credit, they or any of them may draw the same out on their own check or order, and be bound thereby; and such married woman, minor or apprentice shall be bound by said individual check or order, and the said individual check or order shall be a valid and sufficient release to said corporation against said married women, minors or apprentices and all persons whatsoever.

Married women and minors.

Transfer of stock. Sec. 12. That the stock held by any one shall be transferred only on the book of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid and discharged; for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholders.

May purchase at its own foreclosure sale. Sec. 13. That whenever any real or personal property, upon which the company may have a lien of any kind, shall be exposed to sale under authority of law, the president of this company may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

May issue policies of insurance. Sec. 14. That said corporation may issue policies of insurance, duly signed by its president and secretary, against loss or damage by fire, lightning, wind or tornado, or any other kind of insurance whatsoever that the directors may deem proper, including life, accident and liability insurance, any or all, and said corporation is hereby vested with all the power that any insurance company has or may have to transact business in this State, and may charge such premiums as may be agreed upon by said company and the parties insured.

Individual liability. Sec. 15. That no corporator or stockholder of said corporation shall be in anywise individually liable for any debts, obligations,

contracts or torts of said corporation, but any officer of said corporation who may be guilty of fraud shall be liable, as provided in section six hundred and eighty-six, chapter sixteen of The Code. The Code.

Sec. 16. That each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote, either in person or by proxy, for each share of stock held by him. Voting power.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 287.

AN ACT TO INCORPORATE THE CUMBERLAND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. A. A. Lissman, J. B. Lorge, E. Kalish, Henry Ingram, W. L. Holt, W. M. Morgan, H. W. Lilly, S. H. MacRae, H. L. Cook, E. H. Williamson, L. A. Williamson and C. J. Cooper, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name of the "Cumberland Railway Company," which shall have corporate succession and existence for a term of nine hundred and ninety-nine years, and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal and change the same at pleasure, and be capable of taking and holding by purchase, gift or devise, or in any other manner, real and personal property, and of leasing, selling or conveying the same or dealing with the same in any manner, and said corporation shall have and enjoy all privileges, rights and immunities which corporate bodies may lawfully exercise, and make all necessary by-laws for its government or which its directors may deem proper and expedient, not inconsistent with the law. Incorporators. Body politic. Corporate name. Term. Powers.

Sec. 2. That the capital stock of said corporation shall be one hundred and twenty-five thousand dollars, divided into shares of one hundred ($100) dollars each, with power and authority to the directors of said corporation to increase the same at any time upon the payment to the Secretary of State of the tax per thousand for such increase, as is now provided by law, and to divide, in their discretion, into common and preferred stock. Subscriptions to the capital stock may be made by individuals, corporations, counties, cities, towns and townships, and said subscriptions may be paid for in money, labor, land, materials, cross-ties, stocks, bonds or other Capital stock. Increase. Subscriptions to stock. Payment of.

securities or in any other way that may be agreed upon between the corporation and the subscribers and the corporation may receive donations of any kind of property or labor.

Counties, etc., may subscribe to stock.

Sec. 3. That the Commissioners of Cumberland County and of any other county or any township through which said railroad may pass, shall have full power and authority to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said county or townships respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by their directors and members. And to enable them to borrow money to make such subscriptions, they may issue bonds or other evidences of debt; when such subscriptions are made they shall be as binding on the county, township or other corporation making them as individual subscriptions are upon those by whom made. And in all cases where a township shall make a subscription the County Commissioners shall be authorized to represent such township and to make such subscription, when authorized by vote as hereinafter provided.

Issue of county and municipal bonds.

Petition for bond election in townships.

Sec. 4. That the Board of Commissioners of the several counties through which the road may pass are respectively authorized and required, whenever twenty-five tax payers of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place or places therein, after thirty days' notice of said election by advertisement at the court-house door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the election of subscribing to the capital stock the sum of money specified in the written request of the tax payers calling for said election as aforesaid, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Railroad," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Railroad." The returns of said election shall be made to the County Commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the qualified voters in said township shall be for railroad, then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the Board of County Commissioners; and the Commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint a registrar and two judges of election, and the registration books shall be kept

Notice of election.

Ballots.

Returns.

Registration.

Election officers.

open for the registration of qualified voters for twenty days prior to such election.

Issue of township bonds.

Sec. 5. That in payment of any subscription made as provided in the next preceding section, the Board of Commissioners of the county wherein such township may be situate shall issue bonds to an amount not exceeding the sum so subscribed, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable thirty years after the first day of January next after the years in which they are issued. They shall be coupon bonds and bear interest at the rate of six per cent. per annum, interest payable on the first day of January in each year by the Treasurer of the county in which said township is situate, if the county have a Treasurer, but if not, then by the Sheriff of the county. The said bonds shall be signed by the chairman of the Board of County Commissioners and the Treasurer of the county, and the coupons by said Treasurer, or in lieu thereof his *fac simile* signature may be printed thereon.

Term of bonds.

Rate of interest.

Execution of bonds.

Special tax.

Sec. 6. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the Board of Commissioners of the county in which the township is situate on account of which said bonds have been issued, shall, in addition to other taxes, compute and annually levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the Sheriff of such county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over the State and county taxes. The Sheriff shall pay said taxes, when collected, to the Treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par: *Provided*, if said county have no Treasurer, then the Sheriff shall retain the taxes in his hands for the performance of the duties hereinbefore required of the Treasurer, which duties he shall perform instead of the Treasurer.

Collection.

Proceeds of taxes payable to county treasurer.

Duties of treasurer.

Petition for bond election in cities and towns.

Sec. 7. That the Commissioners or Aldermen of any city or town in any of the counties through which the said railroads may be constructed shall be authorized and required, when twenty-five tax payers in said city or town shall, in writing, request that a proposition to subscribe a specific amount to the capital stock of said company may be submitted to the qualified voters of such city or town, to cause an election to be held therein under the same rules and regulations, including a special registration, as are prescribed

Election, registration, etc.

Returns.

hereinbefore for the elections in townships, except that the returns of the election shall be made to the Commissioners or Aldermen of the city or town who shall canvass the same, and if a majority of all the qualified voters of said city or town shall have voted for railroad, then the Mayor of the city or town shall make the subscription to the capital stock of said railroad company. For the purposes of this act the meaning of "qualified voters" shall include only those voters who shall have registered under the special registration herein provided for. And in payment of any subscription the Aldermen or Commissioners of such city or town shall order the issue of bonds of the same denomination or character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions; and in addition to the other tax upon the subjects of taxation in said city or town the said Aldermen or Commissioners shall levy tax sufficient to pay the interest on said bonds and one-thirtieth of the principal. The tax levied under the provision of this section shall be collected by the Constable or the Tax Collector of such city or town in the same manner as the other taxes of said city or town are collected, and subject to the same rules and regulations and with the same penalties and remedies against the Constable or Tax Collector and his sureties for failure to collect and account for the same. When collected, said taxes shall be paid by the Constable or Tax Collector to the Treasurer of said city or town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.

"Qualified voters" defined.

Issue of municipal bonds.

Special tax.

Levy and collection.

Custody and disbursement.

Execution of township bonds.

Sec. 8. The bonds issued under the provisions of this act to secure subscriptions to the capital stock of said railroad company by any township shall be signed by the chairman of the Board of County Commissioners of the county in which said township is situated and by the clerk of said board, and the coupons shall also be thus signed.

Execution of municipal bonds.

The bonds issued by any city or town under the provisions of this act shall be signed by the Mayor and the Treasurer of said city or town, and the coupons shall be signed by the Treasurer of such city or town, or in lieu thereof his *fac simile* signature may be printed thereon.

Refunding of bonds.

Sec. 9. The bonds or stocks issued under authority of any such election by town, township, city or county, may be refunded by the authorities of such town, township, city or county, at or before maturity, at the same or a lower rate of interest: *Provided,* the holder of any such stocks, bonds or securities consent to such refunding, exchanging or reduction in the rate of interest.

Books of subscription.

Sec. 10. That the corporators, or any two of them, in person or by attorney, shall have the power to open books of subscription to the capital stock of said corporation at such times and places as they may deem best, and keep the same open as long as they may deem

expedient; that whenever the sum of five thousand dollars shall have been subscribed to the capital stock of said corporation the corporators may, when they deem proper, after ten days' notice, by mail, to the subscribers, call together the subscribers of said shares of stock at any time, in or out of the State, and said subscribers shall complete the organization of the corporation by electing a board of not less than three nor more than nine directors, and at such meeting and at all meetings of the stockholders of said corporation, each share of stock shall be entitled to one vote, which may be cast by the owner of such shares, or by proxy, verified as the by-laws adopted may prescribe, and at all stockholders' meetings a majority of the stock subscribed shall constitute a quorum, and said stockholders shall adopt by-laws for the government of said corporation; and the board of directors so elected shall meet at such time and place as may be agreed upon and elect from their number a president, and elect such other officers as the by-laws may prescribe or that they may deem necessary to carry into effect the object of this charter, and the board of directors may amend the by-laws as they may deem to the best interest of the corporation.

Organization.

Election of directors.

Voting power.

Quorum.

Election of officers.

Sec. 11. That the said corporation shall have a right to construct, and is hereby authorized and empowered to construct, operate and maintain a railroad with one or more tracks, standard gauge or otherwise, by such route as may be deemed advantageous and expedient, from any point at or near the city of Fayetteville, in the county of Cumberland, to any point on the Catawba River; and it may also construct, operate and maintain such branch lines and extensions as may be necessary or advantageous to the extension, completion or successful operation of said railroad, not to exceed fifty miles in length; and may also construct, operate, lease and maintain telegraph and telephone lines. Said railroad may use either electricity, steam or other motive power, and may condemn and hold, during its corporate existence, all lands within one hundred feet of the centre of the track of said company, on either side, and may purchase and hold such other tracts of land as may be needed by said corporation for railroad purposes, or to increase the amount of freight shipped over its road; and said corporation shall have power and authority to construct dams, culverts, trestles and bridges over and across streams, falls and depressions, and to cross it, over and under grade, to intersect, join or unite its railroads with any other railroad in the State, upon the lands of such other company at any point in its route, and to build all necessary turnouts, switches and other conveniences required for the successful operation of said road; and said corporation may acquire by purchase or lease or may consolidate with any other transportation companies or lines and assume its corporate name, or may sell or lease any part of or the whole of its lines to any other company; and if it shall lease or sell a portion

May build and operate railroads, etc.

Route.

Branch lines.

Condemnation of land.

Construction of dams, culverts, etc.

Connection with other roads.

Purchase or lease of and consolidation with other roads.

Sale or lease to other roads.

or the whole of its line or lines to any other company, then the company purchasing shall take the line or lines so purchased, with all the franchises herein granted, and may manage the same under its own corporate name.

Entry upon lands to survey, etc.

Sec. 12. That it shall be lawful for any officer, agent, surveyor, engineer or other employee of said corporation to enter upon the lands for the purpose of exploring, leveling or doing anything necessary or proper to be done for the laying out of said railroad and locating the same, and upon the location and construction of said road, or any part thereof, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the corporation for a distance of one hundred feet, including any abandoned right of way or road-bed, shall be vested in said corporation, and the proceedings for the condemnation of said lands and for the recovery by the owners for the value thereof, shall be the same as prescribed in The Code of North Carolina; and shall have the right to use and occupy any abandoned road-bed or right of way under the same power of condemnation.

Condemnation of land.

The Code.

Abandoned road-beds, etc.

May issue bonds, etc.

Sec. 13. That the said corporation shall have power and is authorized to issue bonds, debentures or certificates of indebtedness of the corporation, either coupon or registered, to any amount necessary, not exceeding thirty-five thousand dollars per mile for every mile of track completed or owned by said corporation, and to secure their payment by executing a mortgage or mortgages or deeds of trust upon any or all of its property and the franchise of said corporation, on such terms as the directors may prescribe, and such conveyances, when registered in the counties in which said property is situated, shall constitute a lien upon the franchises of said corporation and all of its property in the counties in which such mortgage or mortgages is registered; and said corporation shall also have power to guarantee the payment of principal and interest of the bonds of other corporations.

Amount.

Mortgage, etc., to secure same.

Freight and passengers.

Sec. 14. That said corporation shall have the right to transport and carry passengers and freight over and along its said line and branches, and mail and express matter, and to charge such fares and tolls for the same as may be prescribed by the board of directors, not inconsistent with the law, and to fix rates for the use or service of its telegraph or telephone lines, not inconsistent with the law, and to do any and all things necessary or expedient for the proper management of said corporation as usually exercised or performed by railroad companies; and to purchase and hold stock in any other railroad company, transportation, express, telegraph or telephone companies or other corporations, or may purchase and lease the same and operate the same, or contract with such company or corporation for the transportation of passengers, freight or messages.

Telegraph and telephone lines.

May own stock in other corporations.

Meetings.

Sec. 15. That the stockholders shall provide in the by-laws for

their regular meetings, but directors' meetings may be held at any time or place, either in or out of the State, as the directors, or a majority of them, may determine, and the stockholders shall not be individually liable for the debts or other obligations of the corporation. That the said corporation shall maintain an office in the city of Fayetteville and shall at all times have an agent and attorney resident in said town. Office at Fayetteville.

Sec. 16. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 288.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE TOWN OF KERNERSVILLE TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A TOWN HALL AND MAYOR'S OFFICE, AND ERECTING ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the town of Kernersville be and they are hereby authorized and empowered to issue bonds of said town not to exceed five thousand dollars, in such denominations and in such form as to said Commissioners may seem best, and to sell the same at not less than their par value, said bonds to run for twenty years, and to bear interest at a rate not to exceed six per cent. per annum. Issue of bonds. Amount. Sale. Term.

Sec. 2. That the proceeds of the sale of said bonds shall be applied by said Commissioners in the erection of a building for a town hall and Mayor's office, and in the purchase or erection of an electric plant to light the streets and town of Kernersville. Application of proceeds.

Sec. 3. That said Commissioners be and they are hereby authorized to make such regulations as they may deem advisable for supplying lights to individuals and corporations. Rules and regulations.

Sec. 4. That this act shall not take effect until it shall have been first submitted to a vote of the qualified electors of said town, and the issue of said bonds shall have been approved by a majority of said voters at the regular elections to be held on Tuesday after the first Monday of May, 1903. Act to take effect, when. Submission of question to vote.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, 1903.

Chapter 289.

AN ACT TO INCORPORATE THE GASTON LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. T. Love, E. G. McLurd and Geo. W. Wilson, their present and future associates, successors and assigns, are hereby

Body politic.

constituted and declared to be a body corporate and politic by and

Corporate name.

under the name and style of the "Gaston Loan and Trust Company,"

Term.

and shall so continue for a period of sixty (60) years, and in such

Powers.

name shall have the power to sue and be sued, plead and be impleaded in all the courts; to make a common seal and alter the same at pleasure; to elect, in such manner as they shall determine to be proper, all necessary officers and agents, and define their duties and obligations; to fix the compensation of officers and agents, and when they deem proper to take bonds from such officers and agents, payable to the corporation, for the faithful performance of their duty; to make such by-laws and regulations, not inconsistent with the Constitution and laws of this State and of the United States, as may be necessary for the government of themselves and the management of the affairs, business and property of the corporation, and to alter the same as may be provided for in such by-laws, and do any or all things exercised by or incident to other corporations of similar character and purpose, and by force of the common and general statutory laws of the State.

Principal office.

Sec. 2. That the said corporation shall have its principal office at Gastonia, North Carolina, but it may have branch offices at such other places as may be fixed upon by the corporation, after first complying with the laws regulating the same.

Capital stock.

Sec. 3. That the capital stock of the said corporation shall not be less than ten thousand ($10,000) dollars, divided into shares of

Shares.

a par value of one hundred dollars, with power in said corporation

Increase.

to increase the same from time to time as the said corporation may elect, to an amount not exceeding one hundred thousand ($100,000) dollars, divided into shares of the par value as above.

Books of subscription.

Sec. 4. That the incorporators named in the first section of this act shall have power forthwith to open stock books and procure subscriptions of the stock in the said company, and whenever ten thousand ($10,000) dollars of the capital stock of the said corporation is *bona fide* subscribed for, then by agreement signed by the

First meeting.

said corporators and subscribers, a meeting for the organization of the company may be held at such time and place as the said corporators and subscribers may agree upon, or after stock has been subscribed as above, then a majority of said corporators and subscribers may give notice in some newspaper published in the town of

Gastonia, Gaston County, North Carolina, for the space of ten days, that there will be a meeting of said corporators and subscribers for the purpose of organization at the time and place named in the said town, and if at such meeting there shall be present such persons as have subscribed for a majority of the stock, they, the said corporation and subscribers, may proceed to exercise the powers and privileges herein granted, but if they are not present, the persons holding a majority of the stock subscribed for, then another meeting shall be called in one of the ways herein provided for, at which meeting there shall be elected from the said subscribers and stockholders not less than three and not exceeding five directors, who shall hold their office until their successors shall be elected, as shall be provided for in the by-laws of the corporation.

Organization.

Election of directors, etc.

Sec. 5. That the said "Gaston Loan and Trust Company" shall have power to buy, take, acquire, hold and own all kinds of real, mixed and personal estates and property, as owner thereof or in trust for itself or others; to convey the same or any part thereof absolutely or by way of mortgage or lien or otherwise, as natural persons can or are authorized to do under the laws of the State, and to and with the same effect according to law, and to buy, sell, rent and deal in mixed and personal property of every kind, class and description, and to take and accept conveyances to itself of every such property by way of trust or of mortgage as security for debts due to itself or others, and to sell any such property or foreclose any such deed of conveyance in trust or mortgage as shall be provided by the terms of any such instrument.

Power to hold property, etc.

Sec. 6. That the said company shall have power to receive money in trust and accumulate the same at such legal rate of interest as may be obtained or agreed upon, or to allow interest, not to exceed the legal rate; accept and execute trusts of every description; to act as agents in selling, issuing, registering or countersigning certificates of stock or other evidence of debt of any State, corporation, association, municipality or public authority, on such terms as may be agreed upon; to lease and rent real estate and collect rents for the same on commission; to accept from and execute trusts for married women in respect to their separate property or estate, whether real or mixed or personal, and to act as agent for them in the management, sale and disposition of their properties, charging such compensation for its services as shall be allowed by law, or shall be agreed upon by the parties. All money or property held in trust shall constitute a special deposit, and the accounts thereof shall be kept separate, and such funds and the investment and loans of them, shall be specially appropriated to the payment of such deposits and not be subject to any other liabilities of the company; and for the purpose of securing the observance of this provision the said company shall have a trust department in which all the business pertaining

Power to execute trusts, etc.

Money, etc., held in trust a special deposit.

to such trust property shall be kept separate and distinct from its general business.

May act as guardian, trustee, etc.

Sec. 7. That in all cases where an application be made to any court having jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have the power to appoint said company as such curator, guardian, committee, trustee or receiver, upon the like application that any natural person might be appointed; and it shall be lawful for any person or corporation, by deed, will or other writing, to appoint the said company as trustee, executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee or receiver, the said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities, and in accepting any of the trusts or powers hereinunder, may qualify by any of its executive officers authorized by the rules and regulations of the company to do so.

Depository for trustees, etc.

Sec. 8. It shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee or other officer, or other person having the custody of any bonds, stocks, securities, moneys or other valuables, to deposit the same for safe-keeping with said company: *Provided*, nothing in this act shall be construed as releasing from liability on his bond or other securities thereon, such guardian, committee, commissioner, assignee, trustee, receiver, public officer or fiduciary, when any bonds, stocks, securities, moneys or other valuables so deposited shall be lost or destroyed or misapplied while in deposit with said company, or the same shall depreciate in value during such time or on account of the performance or non-performance of some act of the company.

Proviso.

Subject to orders of court.

Sec. 9. That every court wherein the said company shall be appointed, or shall be allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it is made the depository of money or other valuables, shall have power to make all orders and compel obedience thereunto, and require the said company to render all accounts which said court might lawfully make or require if such company were a natural person.

Loan and trust business.

Sec. 10. That the said company is authorized to invest moneys received on deposit, and to take, have and hold estates, real, personal and mixed, obtained with the moneys aforesaid or with funds belonging to the said company, and to sell, grant, mortgage or otherwise incumber, lease or dispose of the same, and to that end may execute all deeds or other instruments concerning the same, as hereinbefore provided; to subscribe for and take stock in any other incorporated company or companies; to borrow and lend money and give and take notes therefor, as the case may be; discount, buy and sell notes, bonds, drafts and other securities or evidence of debt; to

lend money upon such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate, and secure the payment thereof by mortgages or deeds in trust, made directly to said company or to others in trust for it, on all kinds of property; to act as agent for others in borrowing and lending money, charging such compensation therefor by way of commission as may be agreed upon by the said company and the party for whom it is acting; to deal in exchange, foreign or domestic, securities, mortgages, bonds, certificates of indebtedness, stock of incorporated companies, notes, loans, bonds of the United States or of any city, county, or any incorporated company or individual; and it is granted all other powers and privileges usually possessed by or appertains to loan and trust companies.

May guarantee notes, bonds, etc.

Sec. 11. That said company shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, certificates of property of value, checks, and the title to property, indebtedness of companies, partnerships, cities, counties, municipalities, etc., in this and other States, on such terms as may be agreed upon or established by said company and the parties dealing therewith.

Surety and bonding business.

Sec. 12. That whenever any bond, recognizance, obligation, stipulation or undertaking is by law, municipal or otherwise, or the rules or regulations of any board, body corporate, municipal or otherwise, required or permitted to be made, given, tendered or filed for security or protection of any person, persons, corporation, municipality or other organization whatsoever, conditioned for the doing of or not doing of any such bond, recognizance, obligation, stipulation or undertaking specified, and any and all heads of departments, public officers, State, county, town or municipal, and any and all boards, courts, Judges and municipalities now and hereafter required or permitted to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking may, in the discretion of such head of department, court, Judge, public officer or municipality, accept such bonds, recognizance, obligation, stipulation or undertaking and approve the same, whenever the same is executed or the conditions thereof are guaranteed by said company, and the provisions of this section shall also apply between individuals, where bond is required to be given.

Sec. 13. That whenever any such bond, recognizance, obligation, stipulation or undertaking is required or permitted to be made, given, tendered or filed with any one surety, or with two or more sureties, the execution of the same or the guaranteeing the performance of the condition thereof shall be sufficient when executed or guaranteed by said company, and any and all heads of departments,

courts, Judges, boards and municipalities, and all public officers, State, county, town or municipal, all corporations and private individuals whose duty it may be or shall hereafter be to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may accept and approve the same when executed or guaranteed by said company; and said company is hereby invested with full power and authority to execute or guarantee such bonds, recognizances, stipulations, obligations or undertakings, whether given under the law of this State or of the United States, or of any State or county.

Safety deposit business.

Sec. 14. That the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver or paper money, bullion, precious metal, jewels, plate, certificates of stock or evidences of indebtedness, deeds or muniments of title, or other valuable papers of any kind, or any other articles or things whatsoever which may be left or deposited for safe-keeping with the said corporation, and it may be and shall be lawful for any one of the courts of this State into which moneys, stocks, bonds or other property may be paid or deposited by agreement of parties, order, judgment or decree of said court, to order or direct the same to be deposited with said corporation; and it shall be entitled to charge such commission or compensation therefor as shall be agreed upon; and for the complete preservation and safe-keeping thereof may construct, erect, purchase or lease such fire and burglar-proof buildings, vaults, iron and composition safes or other buildings or means which may be or become necessary, and generally to transact and perform all the business relating to such deposit and safe-keeping or preservation of all such articles as may be deposited with it.

Foreclosure of liens, etc.

Sec. 15. That as to all property held by the said company as security, it shall be lawful for the said company to sell at public auction or at private sale, in its discretion, all property of what kind soever mentioned or specified in any contract or agreement between the company and other parties, real estate excepted, after twenty days shall have elapsed from the time of maturity of any obligation under said contract or agreement, or immediately upon discovery of any fraud, misrepresentation or concealment in regard to the ownership or otherwise which might jeopardize the rights of the said company or its security, after twenty days' advertisement of the time and place of sale by bills posted at the court-house door of Gaston County and at the town hall in Gastonia, and at two other public places in Gaston County, or by advertisement in a newspaper published at Gastonia, North Carolina; and to reimburse itself out of the proceeds of such sales for the money due it, with interest, storage, cost and other charges of all kinds, and to indemnify itself for any loss

it may have sustained by the non-fulfillment of such contract, or by reason of the said misrepresentation, fraud or concealment.

Deposits of married women and minors.

Sec. 16. That when married women, minors or apprentices lend money to or deposit the same or other things of value with the said company in the course of business herein provided for, or in the course of doing a savings banking business or general banking business hereinafter provided for, either generally or specifically, in their own name or to their own name or credit, they or any of them may collect or draw the same in their own name upon their own check or order, and they and all other persons be bound thereby; and such collection, draft, check or order shall be a valid and sufficient release of the company.

Savings bank department.

Sec. 17. That the said corporation is authorized to organize, in connection with its general business, a department for savings bank business and do a savings bank business for convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of this State or of the United States, as the stockholders may deem proper, in which said company may receive deposits in the said savings department and give books, certificates or other evidences of deposit, and pay such interest as the company may authorize and as may be agreed upon, not exceeding the legal rate of interest, and also regulate the time of payment and notice of demand.

Power to improve real estate, erect buildings, etc.

Sec. 18. That the said corporation shall have the power to improve any real estate which it shall at any time own, and it may build thereon factories, stores, offices, cottages or any kind of dwelling or other houses or buildings, and may make improvements to enhance the value of such real estate or to facilitate the sale of the same, and may sell the same at such times and upon such terms, not inconsistent with the laws of the State and of the United States, as it may deem proper.

Insurance department.

Sec. 19. That the said company may also conduct an insurance department and act as the agent of any insurance company, whether life, fire, accident or other kinds of insurable rites for the protection of itself and its patrons, the same as a natural person or firm may do, charging the legal rates and commissions for the same.

General banking business.

Sec. 20. That said corporation shall have the right to do a general banking business, and shall have all the rights, powers, privileges and franchises incident to banking institutions in this State, under such regulations as may be authorized and provided by the laws of this State.

Deposit of undertaking with clerk of court.

Sec. 21. That it shall be lawful for the corporation to make and file with the Clerk of the Superior Court of Gaston County an undertaking in the sum of five thousand dollars, with sufficient security, either personal or otherwise, to be approved by the Clerk of said court, conditional for the faithful performance of all duties and

obligations that the corporation may assume or be liable for under this charter. It shall be lawful for said Clerk to accept the aforesaid undertaking in lieu of bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, and said bond, in case of any default in the performance of any trust or fiduciary committed to said company as aforesaid, may be sued upon by the party injured or his personal representative in the Superior Court of the State of North Carolina. Whenever it may appear to the Clerk of the Superior Court of Gaston County that the undertaking already provided for is not sufficient to secure the faithful performance by the company of the aforesaid trusts and obligations, then he may require additional undertaking in such sum as he shall deem necessary.

Additional undertaking, when required.

Individual responsibility.

Sec. 22. The stockholders shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

When business may be begun.

Sec. 23. That as soon as five thousand dollars shall be paid in in cash, the said corporation shall have the right to enter upon and perform all the privileges and duties granted and contemplated by this chapter.

Term of incorporation.

Sec. 24. That the said corporation shall exist and be in force and effect, with all the rights and powers and privileges and capacities hereinbefore confirmed, for the period of sixty (60) years after the ratification of this act.

In what time to organize.

Sec. 25. The power and privileges granted herein shall not be forfeited by non-user: *Provided*, the corporation is organized within two (2) years from the ratification of this act.

Sec. 26. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 290.

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF THE YEAR 1897, RELATING TO THE INCORPORATION OF THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

Former act amended, sections added.

Section 1. That chapter 194 of the Private Laws of North Carolina, passed by the General Assembly at its session of 1897, be and the same is amended by adding to said chapter the following sections:

Sec. 60. That the Board of Commissioners of the town of Southern Pines shall have full power and authority to grade, pave, macadamize or otherwise improve for travel and drainage, in such manner as they may determine upon, the streets, sidewalks and public square and alleys of said town, and put down crossings, curbings and cross drains and otherwise improve them. Street improvements.

Sec. 61. That in order to more fully carry out the duty imposed by section 61 of this act the Commissioners shall assess two-thirds of the costs of the grading, paving, macadamizing, constructing side drains, cross drains and all other necessary drains and crossings, or otherwise improving said road-ways or streets or sidewalks on the real estate abutting on the street, sidewalk, public square, alley or road-way, or portion thereof, so improved or repaired, assess one-third of the costs of the said improvements on the real estate abutting on each side of the street or sidewalk or part thereof so improved or repaired, the nature and kind of material used in such improvements so made shall be left to the discretion of said Board of Commissioners in all cases. Assessment against abutting property.

Sec. 62. That to equalize the assessments on real estate for the purposes described in section 61, the said Board of Commissioners shall estimate the total cost of such improvements made throughout the entire length of such work and improvements determined upon by them in any portion of the said town of Southern Pines, and then shall prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon the real estate upon each side of the street and sidewalk upon which said work is done its pro rata share of one-third of the costs of such improvement made under the provisions of this act: *Provided, however,* in order to avoid obstructing land owners in subdividing and selling their property by reason of the liens hereby created on the same, such land owners may subdivide their lands in such manner as they may see fit, and shall file in the office of the Town Clerk a plat of the subdivisions making the lots fronting on the sidewalks and the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessment made and the liens created by virtue of this act for street and sidewalk improvements shall thereafter attach to and affect such front lots only, not less than one hundred feet in depth; and where in such cases any lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain charged with its ratable proportion of said assessments and lien according to its frontage. Wherever said Board of Commissioners shall order paving or other improvements to be made on any street, sidewalk or any part of either in said town, they shall have the same accurately Manner of assessment. Proviso. Divisions and subdivisions of property.

surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street, sidewalk or the portion thereof so proposed to be improved, showing the exact frontage of each lot and also the subdivisions, if any, and the said map shall be filed in the office of the Town Clerk to be subject to public inspection, and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street, the said Town Clerk shall write upon the said map the amount assessed upon the same, and he shall keep a properly indexed record book, showing such assessments, liens and the date of the amount of all payments made on any of said assessments and liens.

Lien of assessment, etc.

Sec. 63. That the amount of the assessment for such street improvement as hereinbefore provided, being estimated on each piece of real estate as above directed, shall be a lien on such real estate, and the Board of Commissioners shall cause a survey to be made and a report by said surveyor of the amount of work done and the cost thereof, upon what streets or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot and the pro rata shares of such cost of such street and sidewalk improvement to be assessed against such real estate, and upon the adoption and approval of the said report, the liens authorized by this act shall become complete and operative and shall be paramount to all other liens on said real estate, except the liens for tax thereon, and the said reports shall be transcribed upon the minutes of the said Board of Commissioners, and the amount of said liens and of said assessments against all property abutting on said streets

Assessments, when due and payable, etc.

and sidewalks as aforesaid shall become due and payable in thirty days after the adoption of said report, and if not then paid, the deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid, and upon the filing of said report the Board of Commissioners shall cause ten days' publication to be given by written or printed posters in four public places in said town, stating that such report has been filed in the office of the Town Clerk, and that at the first regular meeting of the said Board of Commissioners to be held after the expiration of said ten days' notice the said Board of Commissioners would consider said report, and if no valid objections be made thereto the

Land owner's right to be heard.

same would be adopted and approved by said board. Any owner of land affected by said lien for assessment shall have the right to be heard concerning same before the said Board of Commissioners by filing objections thereto in writing, duly verified by his oath, in the office of the Town Clerk at least two days prior to the first meeting of the board at which said report may be approved and confirmed, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state in writing what part, if any,

of said assessments he admits to be lawfully chargeable to his said land and what part thereof he disputes, and said Board of Commissioners shall hear said objection and shall thereupon approve or confirm said report and overrule said objections, or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right, within five days after the approval or confirmation of the same by the said Board of Commissioners, and not after that time, to appeal from the said decision of the said Board of Commissioners to the next term of the Superior Court of Moore County, North Carolina, by serving upon said town notice in writing of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said town in the office of the Clerk of the Superior Court of Moore County, a written undertaking in at least the sum of two hundred dollars, with sufficient sureties, to be justified before and approved by said Clerk, to the effect that said appellant will pay to said town all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against such appellant. In case of an appeal as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the Board of Commissioners, a copy of the objections of the appellant thereto and of said notice duly served by the Town Clerk, shall constitute the record on appeal, and when filed in the office of the Clerk of the Superior Court of said county the same shall be docketed in the civil issue book in the name of the person taking such appeal against the town of Southern Pines as "An appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said town, but said town shall have the right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeals shall be thereby forfeited. And upon the trial of the issues arising on such appeal, if all the issues be found in favor of appellant, the lien for said assessment shall be discharged. If, however, the issues or any of them be found in favor of the town of Southern Pines to any amount, and if it be thereby ascertained that the appellant is due to said town by virtue of the matters therein referred to, or that said amount is subject to a lien for said assessment, or any part thereof, then the amount so found in favor of the town of Southern Pines, with interest thereon, together with costs thereon accrued, which costs shall be assessed as costs in other civil actions,

Commissioners to hear objections.

Right of appeal.

Undertaking on appeal.

Procedure.

shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of the report by said Board of Commissioners, and shall be collected by the Tax Collector in such manner as the other assessments herein provided for are collected. The adoption and approval of said report of the said surveyor by the said Board of Commissioners shall complete the said liens for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in case of a failure to pay either of said assessments or any installments thereof within thirty days after its maturity, an execution shall be issued by the said Town Clerk directed to the Tax Collector, Marshal or chief of police of said town, who shall advertise the land upon which the said assessments so in default have been made as aforesaid, in the same manner as is required by law for the sale of lands for taxes under the provisions of the charter of said town, and shall sell the said land, or a portion thereof, at the Mayor's office in said town, Moore County, North Carolina, in the same manner as is required to sell real estate in said town in case of the failure to pay the taxes due thereon, and shall give to the purchaser a receipt, stating the time the amount was due and the date of sale, the name of the purchaser, the price paid, the amount of assessments due thereon, the costs of the sale, the name of the owner or owners of the land sold, the interest in said land so sold as aforesaid, and a description of the same; and the owner or owners of the land so sold as aforesaid shall have six months within which to redeem the said land from said sale by paying to the Tax Collector or Treasurer of said town the amount for which said lands were sold, together with twenty per centum additional thereto. In making such sale the said Tax Collector, Marshal or chief of police, as the case may be, shall set up and offer for sale the whole of the real estate to be so sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making the sale for the smallest interest in said land. For every piece of real estate or part thereof so advertised, said Tax Collector, Marshal or chief of police, as the case may be, shall also collect in the same manner as such assessments are collected, the sum of one dollar to defray the expenses of such advertisement. All such sales shall be made to the highest bidder for cash on any day of the week or month except Sunday or legal holidays, and he shall be deemed the highest bidder who will pay such assessments and expenses of the sale for the smallest interest in said real estate, and if no person shall bid enough to pay such assessments and expenses, the said Tax Collector shall bid on behalf of the town of Southern Pines the amount of such assessments and expenses, and if no higher bid shall be made the same

Assessments collected by tax collector.

Execution to issue on failure to pay.

Advertisement of land.

Sale.

Redemption.

Manner of sale.

Cost of advertisement.

Tax collector to bid on behalf of town.

shall be struck off to the said town of Southern Pines, and in all cases where real estate shall be struck off to the said town as hereinbefore provided, the same shall belong to the town in fee-simple, unless redeemed in the manner prescribed by law, and the said Tax Collector shall immediately thereafter make a return to the Board of Commissioners of said town by filing with the clerk of said board a statement of the proceedings, showing the purchaser or purchasers of said real estate, and the amount of interest in said real estate or each part thereof that was sold, which shall be entered by the said clerk upon the minute books of the said Board of Commissioners; if the lands so sold as aforesaid is not redeemed within six months, then the Tax Collector of said town shall make to the purchaser or purchasers a deed in fee-simple for the said lands or the interest thereof so sold as aforesaid, and the said deed shall operate to convey to the purchaser and his heirs the title to the said lands in fee-simple: *Provided, however,* that the owner of any lands subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all of said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

Tax collector to make deed to purchaser.

Proviso.

Sec. 64. That the Board of Commissioners of said town, by their proper officers, shall have exclusive control and management of the work of improving said streets and sidewalks, and the costs thereof shall be paid out of the street improvement fund provided for in this act, and out of any other funds belonging to the said town of Southern Pines that may be available for such purpose, the said city itself being liable for one-third of the costs and expenses of improving the street and sidewalks or road-ways between the abutting land on each side, assuming the liability hereinbefore created: *Provided, however,* that whatever of the cost of the street improvements which may be paid by or assessed against the property of any street-railroad or railway company as provided for by law, shall be deducted from the proportion of the costs of such improvement for which the said town is liable as aforesaid, whether such street-railway or street-railroad shall run through the centre or upon either side of the street so improved as aforesaid, and the amount to be paid by said street-railway or street-railroad company as provided for by law, shall not in any event be deducted from any sum assessed against the abutting land owners under the provisions of this act.

Board of commissioners to have exclusive control of street improvements.

Proviso.

Sec. 65. That said Board of Commissioners are hereby authorized and empowered to assign, sell and transfer the said liens created by this act and all sums owing thereon, either absolutely or upon condition, to any person or persons in order to enable them to raise means to carry into effect the provisions hereof, and if any such liens shall be transferred as aforesaid, and shall not be paid to the owner thereof when due, they shall be collected by the Tax Collector

Board of commissioners may transfer liens.

Collection.

of said town in the same manner as other assessments hereinbefore provided for in this act, and the amount thereof, when collected, shall be paid by said Tax Collector to the owner or owners of said liens, less two per centum of the amount actually collected by him, which shall be paid to the Town Treasurer to cover the costs of such collection.

Proceeds of assessments to constitute special fund.

Sec. 66. That all funds to be derived from assessments levied by said Board of Commissioners of the town of Southern Pines upon private property on account of improvement of the streets and sidewalks upon which said property abuts, shall, when collected and received by the town of Southern Pines, constitute a special fund to be designated as "Street Improvement Fund," and the same shall be kept separate from all other funds of the said town, and a separate record thereof shall be kept by the said Clerk, and said funds and every part thereof shall be applied by said Board of Commissioners exclusively to the grading, paving, macadamizing or otherwise improving the streets and sidewalks of said town according to the true intent and meaning of this act.

Application of said fund.

May make necessary contracts, rules, etc.

Sec. 67. The said Board of Commissioners are hereby authorized and empowered to make and enter into any and all contracts and agreements, and to pass, ordain and to enforce any and all orders, rules and regulations that may be necessary and proper to carry out the provisions of this act.

Water and sewerage rates.

Sec. 68. That the said Board of Commissioners shall have power and authority to fix and determine the price and rates to be charged for water and sewerage furnished by the said town of Southern Pines to any of the inhabitants thereof, and provide for the manner and time of payment of said charges, and the said charges contracted to be paid by any person for said water and sewerage furnished by said town shall be and become a lien upon the real estate and buildings to which water connections are made, superior to all liens, except the lien of taxes levied and assessed thereon. If any of said water or sewerage charges shall remain due and unpaid for the term of three months, then the whole of said water and sewerage shall become due and payable, and the person authorized by the said Board of Commissioners to collect said water and sewerage rates shall make return to said Board of Commissioners of the amount due, together with the description of the real estate to which said water and sewerage pipes or mains are connected upon which the said water and sewerage rate is so due; and in case of the failure to pay the said amount so due within ten days from the return thereof as aforesaid, an execution shall be issued by the clerk of the said Board of Commissioners, directed to the Tax Collector, Marshal or chief of police of said town, who shall advertise said real estate and make sale thereof as in case of sale hereinbefore provided for real estate to discharge the lien created for street improvement. A report of said

To be lien on real estate, etc.

Execution to issue on failure to pay.

Advertisement and sale.

sale shall be made to the clerk of said Commissioners within ten days from the time of such sale, and the owner of said real estate shall have thirty days from the filing of said report to redeem said property by payment to the Town Treasurer the price of said sale and costs, with twenty per centum in addition thereto for the benefit of the purchaser of said real estate. If the said owner shall not redeem said sale within said time, the officer making sale of said real estate shall convey to the purchaser or purchasers thereof, upon payment of amount of water and sewerage rates due, with costs of sale, such part of said real estate so purchased by him in fee-simple, which said deed when duly recorded in the office of the Register of Deeds of the county of Moore, shall have all the force and effect of a deed made by the Sheriff of the county pursuant to a sale under execution upon a judgment duly docketed in the Superior Court of said county.

Report of sale.
Redemption.
Deed.
Deed to have effect of sheriff's deed.

Sec. 69. The Board of Commissioners of the town of Southern Pines are hereby authorized and empowered to issue coupons in the name of the town of Southern Pines, in such denomination and form as the said Commissioners may determine, to be known as Series B, to an amount not exceeding the present indebtedness of said town for necessary expenses, and not exceeding in any event the sum of five thousand dollars, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding six per centum per annum, payable semi-annually, and to be payable at such time or times and place or places as the said Board of Commissioners shall determine: *Provided*, that the time of payment of said bonds shall not be fixed at less than ten years nor more than thirty years from their date; that the said bonds shall be signed by the Mayor of said town, attested by the Town Clerk, and shall be under the corporate seal of said town, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form, and said bonds when issued, and the interest accumulated thereon, shall be fully binding upon said town and its property.

Issue of bonds.
Designation.
Amount.
Rate of interest.
Proviso.
Term.
Execution of bonds.

Sec. 70. That the said Mayor and Commissioners of said town are hereby authorized and directed to sell the bonds authorized by this act, or any portion thereof, at a price not less than their par value, and apply such amount of the proceeds of such sale as may be necessary exclusively to the indebtedness now due by said town of Southern Pines for regular and necessary expenses of said town.

Bonds not to be sold under par.

Sec. 71. That said Board of Commissioners shall have full power and authority to regulate and fix the fare to be charged by any company, person or corporation operating trolley cars within the corporate limits of said town: *Provided*, that the rate for carrying any person between any two points within said corporate limits shall not be less than five cents.

Power to regulate and fix fare of trolley cars.
Proviso.

Qualification for mayor.

Sec. 72. That hereafter no person shall be eligible to the office of Mayor or Commissioner of said town except freeholders within the corporate limits of said town.

Sec. 73. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, A. D. 1903.

Chapter 291.

AN ACT TO AMEND THE CHARTER OF AND TO AUTHORIZE THE TOWN OF WILSON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

New sections substituted.

Section 1. That sections 4, 5, 6, 7, 8, 9 and 10 of chapter 387, Private Laws 1893, be stricken out, and the following be inserted in lieu thereof: Section 4. On Tuesday after the first Monday in May, 1903, and biennially thereafter, there shall be an election held in the town of Wilson for the purpose of electing such officers of said town as are now or may hereafter be elected by the electors of said town. Section 5. The Board of Commissioners of said town shall select, at least thirty days before the election provided for in the preceding section, one person for each ward in said town, who shall act as registrar of voters for said ward; said Board of Commissioners shall make publication of the names of the persons so selected, at the town hall, or in a newspaper published in said town, immediately after such appointment, and shall cause notice to be served upon said persons by the chief of police of said town. If any registrar shall die, resign or neglect to perform his duties, said Board of Commissioners of the town may appoint another in his place. Said Board of Commissioners shall provide for said registrar registration books. The registrars, after being duly sworn by some person authorized to administer oaths to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of their ward in such manner that said books shall show an accurate list of the electors previously registered in such ward and still residing therein, without requiring such electors to be registered anew, unless said Board of Commissioners shall have ordered and required a new registration as is hereinafter provided; said registrars shall also, between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted), for seven days preceding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in such ward and entitled to register, whose names

Elections.

Registrars.

Registration.

have never before been registered in such ward or do not appear in the revised list; that said books shall be open until 9 o'clock P. M. of each Saturday during such registration period; that said books shall be closed for registration on the second Saturday before each election under section 4 above. Section 6. That on the second Saturday before the election said registration books shall be kept open at the polling place in the ward to the inspection of the electors of the ward, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected the word "Challenge," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with such judges of election, shall hear and decide said objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books. The Board of Town Commissioners shall, on or before the first Monday of April immediately preceding such election, appoint two judges of election, who shall be men of good character, able to read and write, at each place of holding such election in said town. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, after being sworn by some person authorized to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures and deposit them with the said Board of Town Commissioners. Section 7. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of any ward, and not otherwise, shall have the right to vote for such town officers. Section 8. The polls shall be open on the day of election from 8 o'clock A. M.

Inspection of registration books.

Challenges.

Judges of election.

Duties and powers.

Poll books.

Persons coming of age on election day, etc.

Hearing challenges.

Period of residence in ward.

Opening and closing of polls.

till sunset, and no longer; and each person whose name may be registered shall be entitled to vote. Immediately after any election the registrar and judges of election shall deposit the registration and poll books for the respective wards with the Board of Town Commissioners or their clerk. All ballots shall be printed

Ballots.

or written upon white paper and shall be of the same size, without device, mutilation or ornamentation. The Board of Town Commis-

Ballot boxes.

sioners shall provide for each ward in said town necessary ballot boxes in which to deposit the ballots; each of said boxes shall have an opening through the lid to admit a single folded ballot, and no more. Said ballot boxes shall be kept by the judges of election for the use of said election precincts respectively; and the said registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not opened until the polls are closed. Section 9. When the election shall have been finished the registrar and judges of election shall open the boxes

Count of ballots.

and count the ballots, reading the names aloud of the persons which shall appear on each ticket; and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more per-

Illegal ballots not counted.

sons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ticket shall not be numbered in the taking the ballots, but shall be void, and the said counting of votes shall be contained [continued] without adjournment until completed, and the result thereof declared. The registrar and judges of election in each ward shall appoint one of their number to

Board of town canvassers.

attend the meeting of the Board of Town Canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election in such ward, and the members of the several wards who shall have been so appointed shall attend the meeting of the Board of Town Canvassers in which they shall have been appointed members thereof. The members of the several wards thus appointed shall constitute the Board

Canvass of returns.

of Town Canvassers for such election. The Board of Town Canvassers shall meet on the next day after the election at 12 o'clock M., at the Mayor's office, and they shall each take the oath prescribed in the general law governing elections in this State for members of the Board of County Canvassers. The Board of Town Canvassers shall at their said meeting, in the presence of said electors as choose to attend, open and canvass and judicially determine the returns and make abstracts, stating the number of votes cast in each ward for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. Said board shall have power and authority to judicially pass

upon all the votes relative to the election and judicially determine and declare the result of the same, and they shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie upon two opposing candidates, the result shall be determined by lot. Section 10. All other elections held in said town of Wilson than those held on Tuesday after the first Monday in May in any year, for any municipal purpose, shall be deemed and held a special election. Said special elections may be ordered for any purpose by order of the Board of Town Commissioners, who shall for thirty days before such special election is held give notice of such election by posting notice at the Mayor's office in said town and by publication in some newspaper published in the town; said notice shall state the purpose for which said special election is held, and the day for holding the same. Said special elections shall be held under the same rules and regulations as are herein provided for the holding of the elections for town officers: *Provided*, that before any election is had or held under the provisions of this amended charter, the Board of Town Commissioners may order an entirely new registration of the voters of said town; in such case only those who register anew shall be entitled to vote at such election.

Power of board of canvassers.

Elections, when held.

Publication of notice.

Special elections, how governed.

Proviso.

New registration.

Sec. 2. That section seventeen of chapter 387, Private Laws 1893, be amended by inserting between the words "necessary" and "provided," in line four of said section, the following: "Also provide proper and effectual means, rules and regulations to prevent and extinguish fires in said town; to prevent and suppress and remove nuisances; to make proper provisions and take all necessary measures to preserve said town from contagious and infectious diseases and to declare and enforce quarantine regulations; to make provision and take all proper measures to preserve the peace and good order in said town; to determine, when necessary, the boundaries of the streets, sidewalks and alleys of said town, and to establish new streets, lanes, alleys and sidewalks, and to have supervision and control of said streets, lanes, alleys and sidewalks in said town; power to cause all alleys, lots, cellars, privies, styes, stables and other places of similar character to be examined, cleaned, removed or abated; power to regulate the speed at which railroad engines and trains shall run within the limits, and to require said railroad or railroads to keep the street crossings in good repair, and to macadamize the crossing the width of the street in the same manner and with like macadam as the street is macadamize with, whenever the town macadamizes the street up to the right of way over said railroad crossings, and to require and compel said railroad company or companies to provide and maintain proper and suitable gates or watchmen at all street crossings in said town; power to make provision for regulating, licensing or restraining theatrical and other

Chapter 387, Private Laws 1893. Section 17 amended.

Fire department.

Police powers.

Contagious diseases.

Power over streets, etc.

Power to regulate speed of railroad trains, etc.

Taxing power.

public amusements within said town, and all bill-posters and advertisements thereof; power to impose and collect and appropriate fines, penalties, forfeitures and imprisonment for the breach of the ordinances, rules and regulations prescribed and adopted by said Commissioners; power to make and adopt such rules, regulations and ordinances for the control, government, management and operation of all electric light plants, water-power and sewerage systems in said town as may be deemed proper by said Commissioners; power to determine, designate and regulate the route and grades of any railroad or street-railway laid or to be laid on or over any street in said town; power to restrain, prohibit and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions; power to regulate the vending of wood, meats, vegetables, fruits, fish, poultry and provisions of all kinds, and to prescribe the time and place for selling same; power to provide for paving, cleaning, repairing and keeping in repair and order the streets, sidewalks and alleys within the town; power to suppress, regulate, restrain and prohibit bawdy-houses, and to impose fines and penalties upon owners and agents knowingly renting or leasing houses or buildings to persons who conduct or maintain bawdy-houses within said town; such other and further powers necessary for the good government of the said town and not inconsistent with the laws of the State.

Fines, penalties, etc.

Government of electric light plants, etc.

Police powers.

Street Improvements.

Bawdy houses.

Section 25 amended.

Sec. 3. That section twenty-five, chapter 387, Private Laws 1893, be amended by inserting before the word "who" in line thirteenth the words "or Mayor."

Section 35 amended.

Sec. 4. That section thirty-five, chapter 387, Private Laws 1893, be amended by striking out the word "one-tenth" in line tenth and insert in lieu thereof the word "one-fourth."

Section 45 amended.

Sec. 5. That section forty-five, chapter 387, Private Laws 1893, be amended by inserting after the word "a" at end of line 1 and before the word "line" in line two thereof the words "street or."

Chapter 293, Private Laws 1901, amended.

Relating to borrowing money.

Sec. 6. That section three, chapter 293, Private Laws 1901, be amended by striking out the word "five" in line six thereof and insert in lieu thereof the word "fifteen."

Amendment relative to paving streets, etc.

Sec. 7. That section eight, chapter 293, Private Laws 1901, be amended by striking out in lines four and five the following words: "pave one-half of the streets and" and insert in lieu thereof the following: "pay for the curbing and to grade and pave the."

Power to incur additional debt for street improvements, sewerage and water works. Amount.

Sec. 8. That the town of Wilson is hereby authorized and empowered to create an additional debt for grading, macadamizing and paving the streets and sidewalks and for extending the sewerage and water-works system of said town to an amount not exceeding forty thousand dollars, exclusive of the amounts and sums heretofore authorized to be created by the charter of said town, and for that purpose may issue bonds in the name of the town of Wilson in such

Issue of bonds.

denomination and form and payable at such place and time, but running not less than twenty nor more than fifty years, and bearing interest at no greater rate than five per centum per annum and payable semi-annually, as said Board of Commissioners may determine. Term. Rate of interest.

Sec. 9. That none of said bonds provided for in the above section shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such time and under such regulations as the Board of Commissioners may prescribe, at which election those favoring the issue of bonds shall vote "Issue," and those opposing it shall vote "No Issue." Bond to be approved by majority of qualified voters. Election; ballots.

Sec. 10. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value, and the money arising from the sale of such bonds shall be used for the purposes set out in section eight hereof. Bonds not to be sold under par.

Sec. 11. That section 37, chapter 387, Private Laws 1893, be amended by striking out in line four thereof the word "seven" and insert in lieu thereof the word "ten." Amendment relative to public improvements.

Sec. 12. That the following fees shall be allowed and collected by the Mayor from the person or persons adjudged to pay the cost, or a fine and the cost, in his court for violations of the ordinances of the town, to-wit: Schedule of fees of mayor.

Issuing warrant for the arrest of person, each $1; trial and judgment, each person found guilty, $2; issuing subpœnas, each witness, 30 cents; taking bond, each person, 50 cents; each continuance, for each person, 50 cents; transcript of appeal, each person, 50 cents; each witness appearing in the Mayor's court, who is duly sworn and examined before the Mayor, shall receive and be allowed, for each day he is in attendance, $1. All the above fees, when collected, except for persons not in the employ or service of the town, shall be, when collected, paid into the town treasury for the benefit of the town. Disposition of fees.

Sec. 13. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Chapter 292.

AN ACT TO INCORPORATE THE BANK OF STONEVILLE, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That F. J. Stone, J. A. Glenn, R. P. Price, Jno. H. Price, C. K. Nolen and R. T. Stone, and their associates and successors, are hereby constituted and declared to be a body politic and Incorporators. Body politic.

Corporate name. corporate by the name and style of "Bank of Stoneville," and by such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts

Powers. of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.

Principal office. Sec. 2. That the office and place of business of said bank shall be in the town of Stoneville, Rockingham County, North Carolina, and

Capital stock. the capital stock of said corporation shall not exceed the sum of twenty-five thousand dollars in shares of one hundred dollars each,

Books of subscription. and the corporators in the first section named, or any five of them, are hereby empowered to cause books to be opened at such time or times, at such places, and for such periods as they may determine, and by such persons as they may name as commissioner, for the purpose of receiving subscription to said stock.

First meeting. Sec. 3. That whenever fifty shares of stock shall have been sub-

Organization. scribed, and the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock subscribed being represented, shall elect five

Election of directors and officers. directors; said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly elected and assume office, and shall elect one of their number to be president of said bank during their continuance in office.

Powers. Sec. 4. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties; may prescribe the manner

General banking business. of paying for stock and transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations.

Bank to have lien on stock. Sec. 5. That said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on

Proviso. banks in the revenue laws of the State: *Provided*, that this provision shall be printed on each certificate of stock issued.

Banking powers. Sec. 6. That said bank may receive and pay out the lawful currency of the country and deal in exchange, gold and silver coin, bullion, uncurrent paper, and public and other securities; may purchase and hold a lot of ground for a place of business, and at pleas-

ure sell or exchange the same; may purchase and hold such personal and real property and estate as may be conveyed to secure debts due said bank, and may sell and convey the same and own other real estate; may discount notes and other evidences of debts; may lend money on such terms as may be agreed on not inconsistent with the laws of the State, and may receive on deposit moneys on terms to be agreed upon between its officers and depositors, not exceeding the rate allowed by law, and issue certificates of the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under the seal of the bank.

Dividends.

Sec. 7. That the president and directors of said bank shall direct when, to whom, and in what manner dividends of profits may be made, and shall be allowed to open the subscription books from time to time at their discretion, until the whole of the stock is taken. They may call meetings extraordinary of the stockholders whenever they think proper, and shall call annual and other regular meetings by the stockholders in such manner and upon such notice as may be prescribed in their by-laws; and a number of stockholders, not less than five, holding together not less than one-fifth of the capital stock, may call a special meeting on giving thirty days' notice thereof, printed in some newspaper published in Stoneville, North Carolina, or in the town nearest thereto in which a newspaper is published. At all meetings stockholders may be represented by proxy, and each share of stock be entitled to one vote. The stockholders shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Call meetings.

Voting power.

Individual liability.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, 1903.

Chapter 293.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH BY INCREASING ITS CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That section one of chapter one hundred and fifty-three of the Private Laws of 1899 be amended by adding at the end thereof the following: That the corporate limits of the city of Raleigh, as

Corporate limits increased.

above defined by this section, be and the same is hereby extended on the east to the road running north and south, just east of the Soldiers' Home, and known as the Tarboro road, to a line on the western side of said road, which line shall run due north and south and parallel with said eastern limits of said city hereinbefore described; on the north three-eighths (⅜) of a mile to a line running due east and west and parallel with the northern limits of said city as hereinbefore described; and on the west one-half (½) of a mile to a line running due north and south and parallel with the western limits of said city as hereinbefore described. And the new boundary lines on the east and west shall extend north until they intersect with the new northern boundary line, and shall extend south until they intersect with the southern boundary line of the city as hereinbefore described, extended east and west to the new eastern and western boundary lines.

Question of extension submitted to vote.

Sec. 2. That this act shall not take effect and be in force until after it has been submitted to a vote of the qualified voters of the entire territory concerned and been adopted and ratified by said voters, including all qualified voters in the corporate limits of the city and those living in the territory to be taken in by this act,

Election.

and said election shall be held under such terms and provisions as those governing the election of the members of the General Assembly, as far as practicable, and thirty days' notice shall be given in the daily papers of Raleigh before said election is called, said election to be called at such time and place as the Board of Aldermen may

Ballots.

designate and deem proper. Those favoring the extension of the city limits shall vote either a written or printed ballot with the words "For Extension," and those opposed to the extension of the city limits

Returns; canvass; result.

will vote a similar ballot with the words "Against Extension." The vote shall be canvassed and the result ascertained, and the returns thereof made in the manner, as near as may be, as now provided for the election of Aldermen for said city, and the result so ascertained and returned shall be published in the same manner as the result in other city elections. So much of this act as provides for the holding of the election shall be in force from and after its ratification.

Act to take effect, when.

Sec. 3. This act shall take effect from and after the first day of July, 1903: *Provided*, it shall have been ratified by a majority of the qualified voters at an election to be held prior to said first day of July, 1903, as provided for in section two.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 294.

AN ACT TO INCORPORATE TENNESSEE AND NORTH CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That J. B. Hart of Clarksburg, W. Va., J. J. Holloway of Wheeling, W. Va., W. B. Ferguson of Waynesville, N. C., H. T. Wilson of Clarksburg, W. Va., and W. D. McSween of Newport, Tenn., and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body politic and corporate, under the name and style of "Tennessee and North Carolina Railroad Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with; and said company shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase or gift real and personal property necessary or convenient for the construction, maintenance and operation of its road, and of holding, leasing, conveying or in any other way dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may lawfully exercise or enjoy, and may make ordinances, by-laws and regulations, consistent with the laws of this State and of the laws of the United States, for the government of all under its authority and for the management of its estates and for the due and orderly conduct of its affairs and business. Incorporators. Body politic. Corporate name. Powers.

Sec. 2. That said company, upon its organization as hereinafter provided for, shall have power and authority to survey, lay out, construct, equip, maintain and operate a railroad with one or more tracks, from a point on Pigeon River in the line between the State of North Carolina and the State of Tennessee, through the county of Haywood in a southern direction, or in any direction, and in and through any other county in the State of North Carolina, by such route or routes as the directors of said company may determine; the said company may also extend its railroad in and through the said county of Haywood, or through any other county in this State, to the State lines of Georgia or South Carolina, by such route or routes as the directors of said company may deem most expedient, and may also build and operate extensions and branch roads from any point on its main line, and for this purpose shall have all the powers, privileges and rights conferred by this act, which are hereby made to apply to such extensions and branch roads as well as to the main line: *Provided*, that this company shall not be used as a medium through which competing systems of railroads may consolidate. Power to build railroad. Routes. Proviso.

Powers.

Sec. 3. That for the purpose of surveying, constructing and operating said line or said lines of railroad, said company is hereby empowered:

May enter lands to make surveys, etc.

First. To cause such examination and surveys to be made as shall be necessary to the selection and location of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any person or persons.

Voluntary grants.

Second. To take and hold such voluntary grants of real estate and other property, both real and personal, as may be made to it to aid in the construction, maintenance or operation of its road.

Power to hold necessary real estate, etc.

Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary or proper for the construction, maintenance or operation of its road, stations and terminal facilities and all other accommodations, and to condemn, lease or buy land necessary for its use as aforesaid.

Right of way, etc.

Fourth. To lay out its road, not exceeding one hundred feet in width, and to construct the same, and for the purpose of cutting any embankment and for obtaining gravel and other materials to take as much land as may be necessary for the proper construction, operation and security of said road; to cut down any trees that may be in danger of falling on the track or of obstructing the right of way, making compensation therefor as provided by law.

Power to cross water-courses, streets, etc.

Fifth. To construct its road across, along or upon, or to use any stream of water, water-course, street, highway or canal which the route of its road shall intersect or touch: *Provided,* no railroad shall be constructed along and upon any street without the consent

Proviso.

of the municipal authorities: And *provided further,* that said company shall not obstruct or use any highway without first constructing one equally as good as the one taken by the company.

Proviso.

Power to cross, join, etc., other railroads, etc.

Sixth. To cross, intersect or join or unite its railroads with any railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad, with the turnouts, sidings, switches and conveniences necessary or proper in the construction of its road; and to run over any part of any railroad's right of way necessary or proper to reach its freight depot in any city, town or village through which said railroad may run, or to reach any other point of its right of way otherwise inaccessible.

Passengers and freight.

Seventh. To take and convey persons or property over its railroads by the use of steam, animals, electricity or other mechanical power, and to receive compensation therefor, and to do all things incident to railroad business.

Telegraph and telephone lines.

Eighth. To build and operate telegraph and telephone lines on its right of way or any part thereof, and to charge and receive compensation for the transmission of messages over said lines.

Ninth. To erect and maintain convenient buildings, warehouses, docks, stations, fixtures and machinery, within or without any city, town or village for the reception, accommodation and use of its passengers and freight and for its business purposes. Warehouses, stations, etc.

Tenth. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor, subject to any law of the State upon the subject. Regulation of traffic, etc.

Eleventh. To borrow such sums of money at such rates of interest and upon such terms as its board of directors may determine, and for that purpose, if necessary, and with the consent of the stockholders, to issue coupon or registered bonds in such denominations, bearing such rate of interest and payable at such time and place as said board may direct; and to secure the payment of said bonds said company may execute and deliver one or more mortgages or deeds of trust on all or any parts of its railroad or appurtenances, property, franchises and privileges, in such manner and form as said board may determine. The registration of any such mortgage or deed of trust may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchise conveyed therein. Said company may, through its board of directors, sell, hypothecate or otherwise dispose of the bonds hereinbefore authorized to be issued, or any other of its stock, bonds or securities. Power to borrow money, issue bonds, etc.

Sec. 4. That the capital stock of said company shall be one hundred and twenty-five thousand dollars in common stock or preferred stock, or partly in each, as a majority of the stockholders may determine, with the power to increase the sum from time to time by a majority vote of the stockholders, to one million dollars: *Provided*, said directors receive a license from the State Treasurer, as provided by law for such increase, and obtain the authority from the Secretary of State. The stock of the said company shall be divided into shares of one hundred dollars each, for which, when fully paid, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote; and the stockholders shall not be individually liable for the debts of the corporation. The stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company. Capital stock. Common and preferred stock. Increase of same. Proviso. Shares. Voting power. Transfer of stock.

Sec. 5. That the incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents, at such time or times, place or places, and under such conditions, rules and regulations as they or such majority may deem necessary or expedient; and said incorporators, or a majority of them, may, when five thousand dollars shall have been subscribed, and when they or such majority deem proper, call together the subscribers to said shares of stock at any place in or out of this State, and said subscribers, or such of them as shall at- Books of subscription. Rules and regulations. First meeting.

Organization. Election of directors and officers.

tend, may then complete the organization of said company by electing a board of directors, to consist of such number as they may determine, and of such officers as they may see fit, not less than three, and the said directors shall thereupon proceed to elect one of their number as president, and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act.

Subscriptions, how paid.

Sec. 6. That subscriptions to the capital stock of said company may be made in money, land or other property, bonds, stocks, credits, contracts, leases, options, mines, minerals or mineral rights, rights of way or other rights or easements, labor, services, in such manner and on such terms as may be agreed upon by the president and directors of said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereof, to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (post-paid), directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

Forfeiture of stock of delinquents.

Stockholders' annual meetings.

Sec. 7. That meetings of the stockholders shall be held annually at such time or place within or without the State as may be prescribed by the by-laws. Notice of the annual meeting of the stockholders shall be given by advertisement in a newspaper published in Haywood or adjoining county for two successive weeks: *Provided*, that the principal office of said corporation shall be within the State.

Notice.

Call meetings of stockholders.

Sec. 8. That a general meeting of the stockholders may be held at any time upon the call of the board of directors, or of stockholders holding together one-fourth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last annual meeting was held, and by mailing to each stockholder at his post-office address of record, a written notice of such meeting ten days prior thereto. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Notice.

Election of directors.

Sec. 9. That the election of directors shall be by ballot, and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly

Term of office.

elected and assume their duties. The board may fill any vacancy that may occur in it during the term for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their number in such manner as the regulations of the company shall provide, and shall hold their offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the board of directors, and may be one and the same person. The board of directors may appoint an executive committee from among its members, which shall exercise all the powers of the board when the board is not in session. Meetings of the board of directors and of the executive committee may be held within or without the State. The board of directors shall have power to adopt by-laws, subject, however, to amendment and repeal by the stockholders.

Vacancies.

Election of officers.

Executive committee.

Directors' meetings.

Sec. 10. That said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It is also hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this or any other State, upon such terms and under such name as may be agreed upon, when the two or more railroads to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads. It may assign or lease its property and franchises or any part thereof to any other railroad company incorporated by the laws of this State or any other State, and the railroad leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the company incorporated by this act. Any of the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the company concerned in such manner and on such terms as the stockholders of each company may determine. The company incorporated by this act may subscribe to, purchase, guarantee or endorse the capital stock, bonds or other securities of any other railroad corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to, purchase or guarantee or endorse the capital stock, bonds or other securities of this company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed.

Power to purchase or lease other railroads.

Power to consolidate with other railroads.

Power to lease or sell to other railroads.

Use of portion of road before whole is completed.

Power to contract debts, etc.

Sec. 11. That the president and directors of said company shall have power to make such expenditures and contract such debts as shall be necessary for the construction and operation of its railroad and business.

Powers.

The Code.

Sec. 12. That the said company shall enjoy all the benefits and be subject to the provisions of section one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive; of chapter forty-nine, Volume I of The Code of North Carolina, in respect to the acquisition of land by condemnation.

Sec. 13. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 295.

AN ACT TO REPEAL THE PRESENT CHARTER OF THE TOWN OF HERTFORD, AND TO RECHARTER THE TOWN.

The General Assembly of North Carolina do enact:

Corporate boundaries.

Section 1. That the town of Hertford is hereby incorporated within the following boundaries, viz.: Beginning on Skinner's or Castleton Creek, at the mouth of Jennie's Gut, thence along the various courses of said Gut to Gum Pond Run or Ditch, thence along Gum Pond Run or Ditch to Culvert No. 172, on the Norfolk and Southern Railroad, thence north 3 east to a small tree on Dobbs street extended, thence along said street north 55 west five hundred and five (505) feet to a point in C. W. Wood's lane, thence north 50 east to Tom's Creek, thence the various courses of Tom's Creek to Perquimans River, thence the various courses of Perquimans River to Skinner's or Castleton Creek, thence up said creek to the beginning.

One ward; government.

Sec. 2. That the said town shall consist of one ward, and shall be governed by three Commissioners and a Mayor, to be selected as hereinafter provided.

Elections.

Sec. 3. That the first election under this act shall be held on the first Tuesday in May, 1905, and succeeding elections biennially thereafter, under the law regulating elections for town officers, at

Commissioners.

which time three Commissioners shall be chosen by the qualified electors of said town, to serve for the term of two years, or until their successors are elected and qualified.

Oath of office.

Election of mayor.

Sec. 4. That the persons so chosen to act as Commissioners shall qualify by taking oath of office and shall proceed to elect from the citizens of the town some person, not of their number, who shall act as Mayor and chairman of the board during their term of office

until his successor is elected and qualified, and the said Commissioners and Mayor shall also appoint such other officers as may be necessary for the proper government of said town. Other officers.

Sec. 5. That the powers and duties of said town and its officers shall be those embraced in chapter 62 of The Code of North Carolina, and the amendments thereof. Powers and duties of officers, chapter 62, Code.

Sec. 6. That there shall be elected in said town on the first Tuesday in May, 1903, three persons to act as Commissioners of the said town for a term of two years, and until their successors are elected and qualified. That said election shall be conducted and held, and the result ascertained and declared, as is now provided for by law: *Provided, however*, that those persons eligible to vote in said election shall be those voting in the last general election for State officers, and those who shall have become eligible by reason of having become twenty-one years old since said election. That said town limits shall not be extended as provided in this act until the question of such extension be submitted to the above described voters, both within the present town limits as well as those within the extended limits, and it shall be the duty of the officers of the said town to submit the question at said election in May, 1903, and provide tickets upon which shall be printed "For Extension" and tickets on which is printed "Against Extension," and if a majority of those voting cast ballots "For Extension," then said town limits are extended as set out in section 2 of this act; but if a majority vote "Against Extension," then this act shall be void. Election of commissioners. Election, how conducted, etc. Proviso. Question of extension to be submitted to vote. Ballots. This act to take effect, when.

Sec. 7. That all acts or parts of acts in conflict with this charter are hereby repealed. Conflicting laws repealed.

Sec. 8. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 296.

AN ACT TO AMEND THE CHARTER OF THE CHOWAN AND AULANDER RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and forty-four (244), Private Laws of North Carolina for the year 1893, be and the same is hereby amended by inserting after the word "river" in line 2, section two (2) of said chapter, the following words: "or Wiccacon Creek, a tributary of said river," and by inserting after the word "Carolina" in line four (4) of said section, the following words: "or to some point in said county at or near Roanoke River." Former act amended. Termini of railroad.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 297.

AN ACT TO INCORPORATE AULANDER HIGH SCHOOL, IN BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. That W. D. Hoggard, E. C. Harrell, W. J. Duming, A. W. Early, M. L. Taylor, J. A. Duming, M. E. Rice, J. W. Herring and C. W. Mitchell, and their associates and successors, are hereby Body politic. created a body corporate and politic, by the name and style of the Corporate name. Aulander High School, for the purpose of maintaining a non-sectional school for males and females in the town of Aulander, Bertie County, North Carolina, and by such name may acquire, hold and convey real and personal estate; may sue and be sued, plead and be impleaded, in any of the courts of this State, may contract and be contracted with, and enjoy any and every right and privilege incidental and belonging to corporation bodies according to the laws of this State.

Purpose and powers.

Officers. Sec. 2. That the officers shall be a president, vice-president, secretary and treasurer, to be elected among themselves as hereinafter First election. provided. The first election shall be held on the first day [of] April, 1903, or as soon thereafter as practicable, and the officers then elected shall hold their offices until their successors shall have been elected.

Trustees named. Sec. 3. That the trustees shall be divided into three classes. The first class, consisting of W. D. Hoggard, E. C. Harrell and A. W. Term of office. Early, shall hold one year from April 1st, 1903. The second class, consisting of M. E. Rice, W. J. Duming and J. W. Herring, shall hold two years from April 1st, 1903. The third class, consisting of J. A. Duming, M. L. Taylor and C. W. Mitchell, shall hold three years from April 1st, 1903.

Election of successors. Sec. 4. That the remaining members of said trustees shall elect successors to the various classes at the expiration of the terms as classified in section three (3) of this act.

By-laws. Sec. 5. That at their regular meetings the trustees shall have power to make such by-laws not inconsistent with the laws of the State, as shall be deemed necessary to promote the object of the corporation.

Individual liability. Sec. 6. That the trustees of this corporation shall not be individually liable for any debts contracted by the corporation.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 298.

AN ACT TO AMEND THE BOUNDARIES OF THE TOWN OF WAXHAW.

The General Assembly of North Carolina do enact:

Section 1. That the boundary lines of the town of Waxhaw, in the county of Union, are amended so that the line of the eastern boundary of said town running northward shall end at a point thereon five hundred feet south of the center of the track of the Georgia, Carolina and Northern Railway and runs thence S. 77½ W. forty-seven poles to a stone on the east side of the Providence road by a post-oak; thence N. 44¾ W. with the Providence road, a straight line to the center of the track of the Georgia, Carolina and Northern Railway; thence with the center of the track of the Georgia, Carolina and Northern Railway to the corporate line as now established; thence northward with the old corporation lines to the beginning. Town limits.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 299.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter 248 of the Private Laws of North Carolina, session of 1901, be and the same is hereby amended as follows, to-wit: In lines 5 and 6 of section 1 the words "one thousand nine hundred and three (1903)" are stricken out, and in lieu thereof are inserted the words "one thousand nine hundred and seven (1907)." Chapter 248, Private Laws 1901 amended, section 1.

Sec. 2. That chapter 142 of the Private Laws of North Carolina, session 1897, be amended as follows, to-wit: In lines 11 and 12 of Chapter 142, Private Laws 1897 amended, section 1.

section 1 of said chapter the words "ten thousand dollars" be and the same are hereby stricken out, and in lieu thereof the words "twenty thousand dollars" be and the same are hereby inserted.

Section 43 amended.

Sec. 3. That in line 6 of section 43 of said chapter the words "seven thousand dollars" be and the same are hereby stricken out, and in lieu thereof the words "fifteen thousand dollars" be and the same are hereby inserted; and in line 9 of section 43, after the word "hundred" and before the word "dollars" insert "two hundred."

Section 44 amended.

Sec. 4. That in line 4 of section 44 of said chapter the words "ten thousand dollars" be and the same are hereby stricken out, and in lieu thereof the words "twenty thousand dollars" be and the same are hereby inserted.

Conflicting laws repealed.

Sec. 5. That all laws in conflict with this act be hereby repealed.

Sec. 6. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 300.

AN ACT TO AUTHORIZE THE TOWN OF DUNN TO ISSUE BONDS TO COMPLETE AND ENLARGE ITS PUBLIC WORKS.

The General Assembly of North Carolina do enact:

Commissioners of Dunn allowed to issue bonds.

Section 1. That the Board of Commissioners of the town of Dunn is hereby authorized and empowered to issue bonds, in addition to those heretofore authorized, in the name of the town of Dunn, in such denominations and forms as it may determine, to an amount not exceeding ten thousand dollars, payable at such time or times and at such place or places as the Board of Commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date.

Amount.

When and where payable.

Maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at no greater rate than six per centum per annum, and the interest shall be payable annually or semi-annually, as the Board of Commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

Not to be sold at less than par.

Bonds, how executed.

Sec. 3. The said bonds shall be signed by the Mayor, attested by the Town Clerk, and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become

Coupons receivable for taxes.

due, it shall be the duty of the Board of Commissioners, and they are hereby empowered to do so, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided,* that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed ten cents on each one hundred dollars valuation of property and thirty cents on each taxable poll: *Provided further,* that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the Town Treasurer, as said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the Board of Commissioners the number and amounts of the coupons cancelled.

Special tax to pay bonds and coupons.

Amount of tax.

Exclusive use of tax.

Paid coupons to be cancelled and reported.

Sec. 4. That the Board of Commissioners shall not issue said bonds, nor any of them, nor levy and collect said tax until they shall have been authorized and empowered to do so by a majority of the qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than twenty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the words "For Bonds," and those opposing the same shall vote a written or printed ballot containing the words "Against Bonds." Said election shall be held under the same rules and regulations as elections for Mayor and other town officials: *Provided,* that the Board of Commissioners may in its discretion order a new registration of voters: *Provided further,* that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the Board of Town Commissioners in its discretion to cause a subsequent election to be held for the same purpose: *Provided further,* that in any call for an election to be held under this act the Board of Commissioners shall specify the amount of bonds to be issued, and it shall be unlawful for said board to issue any bonds in excess of the amount so specified.

Provisions for election on question of bond issue and tax levy.

Subsequent elections.

Amount of bond issue to be specified in call for election.

Sec. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the Board of Commissioners for the following purposes, and for no other purpose, to-wit: For completing, enlarging, equipping, conducting and operating an electric light plant now being constructed to furnish lights for the streets of said town and for its citizens; for constructing, completing and enlarging and equipping a system of water-works now being constructed, and maintaining and operating the same, to furnish water for the use of the town and its citizens: *Provided,* that the pur-

Purposes for which proceeds of bonds to be used.

chasers of said bonds shall in no respect be held responsible for the application of said bonds.

Control of plants and works established under this act. Agents and employees.

Sec. 6. That the said Board of Commissioners shall have entire supervision and control of any and all of the plants and works established under this act, and is hereby authorized to elect all such agents, servants and employees it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true intent of this act.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 301.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTHPORT, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Chapter 34, Private Laws 1899 amended relative to election of mayor and aldermen.

Section I. That chapter 34 of the Private Laws of North Carolina, session 1899, entitled "An act to amend the charter of the city of Southport," be amended as follows: Insert in line three, section 5, between the word "elected" and the word "six," the words "A Mayor and"; the words "of whom" in line four shall be stricken out, and there shall be inserted between the word "two" and the word "shall" the words "of the Aldermen"; after the word "ward" in line six there shall be inserted the following: "The Mayor shall be voted for in each ward, and the person receiving the greatest number of votes of voters in the three wards shall be declared elected Mayor of Southport.

Mayor, how voted for and elected.

Section 6 amended.

Sec. 2. Insert in line fourteen, section six, between the word "of" and the word "six" the words "A Mayor and," and between the words "two" and "from" in lines fifteen and sixteen, the words "of the Aldermen." Add after the last word in said section the following: "The Mayor may be a resident of any ward."

Section 7 amended.

Sec. 3. Insert in line seventeen, section 7, between the word "of" and the word "an," the words "the Mayor."

Section 10 amended.

Sec. 4. Insert in line seven, section 10, after the word "ballot," the following: "And the Mayor shall be voted for on a separate ballot." All after the word "to" in line ten shall be stricken out, and the following substituted therefor: "the Board of Canvassers."

Section 11 amended.

Sec. 5. Insert in line five, section 11, after the word "person," the following: "voted for Alderman, and the Board of Canvassers

shall decide the election between such persons voted for Mayor." All after the word "to" in line nine shall be stricken out, and the following substituted therefor: "the Board of Canvassers."

Sec. 6. Insert in line two, section 12, between the word "the" and the word "Alderman," the words "Mayor and." Insert in line four, between the word "such" and the word "board," the words "Mayor and." Section 12 amended.

Sec. 7. Strike out section 13 and insert in lieu thereof the following: "The Board of Canvassers shall consist of three members, to be selected by the register and judges of the several wards, each ward electing one member, who shall be one of their number. The Board of Canvassers so elected shall meet in the Mayor's office the day succeeding the election, at twelve o'clock M., and organize by electing a chairman, and proceed to canvass the election, the result of which shall be declared by the chairman at the door of the Mayor's office, and they shall certify under their hands and seals to the Mayor the result of the canvass, and he shall have the same recorded in the minute book of the city of Southport." Section 13 amended. Number and selection of board of canvassers. Meeting, organization and duties.

Sec. 8. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed. Conflicting laws repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 302.

AN ACT FOR THE RELIEF OF GEORGE W. MARTIN OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Caswell County is hereby authorized and directed to pay to Geo. W. Martin, assignee of Wilson Cary, eighteen and 50-100 dollars, balance due to said Wilson Cary as teacher of Colored School District No. 14 of Caswell County from November 12th, 1900, to February 2d, 1901, upon his exhibiting the duly authenticated voucher issued to said Wilson Cary, and proves said amount to be due to him to the satisfaction of said Treasurer; said money to be paid out of any unapportioned school fund. Caswell county treasurer to pay Wilson Cary $18.50, balance due him as school teacher.

Sec. 2. This act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 303.

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF ROXBORO, AMENDATORY OF ACT OF 1887, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROXBORO."

The General Assembly of North Carolina do enact:

Boundary of enlarged corporate limits.

Section 1. That the corporate limits of the town of Roxboro, North Carolina, be and the same are hereby amended as follows: By addition to the territorial limits thereof, beginning on stone right of way Norfolk and Western Railway line of present corporate limits, thence east forty-four feet to a stone the northeast corner of present corporate limits; thence south with said line one hundred and ninety-eight feet to edge of public road, Roxboro to Bethel Hill; thence said line, said road, western boundary northeast one thousand two hundred and seventy-nine feet to stone, D. M. Andrews and J. A. Long's corner; thence north four hundred and seventy feet to stone, D. M. Andrews' line; thence west five hundred and forty-five feet to right of way said Norfolk and Western Railway; thence said right of way southwest one thousand one hundred and six feet to beginning.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 304.

AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Commissioners of Lexington authorized to issue bonds.

Section 1. That the Board of Commissioners of the town of Lexington is hereby authorized and empowered to issue bonds, in the name of the town of Lexington, in such denominations and forms as it may determine, to an amount not exceeding one hundred thousand dollars, payable at such time or times and at such place or places as the Board of Commissioners may prescribe: *Provided,* that the time of payment of such bonds shall not be more than forty years from their date.

Maximum amount.

When and where payable.

Maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at no greater rate

than six per centum per annum, and the interest shall be payable annually or semi-annually, as the Board of Commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Minimum price for sale.

Sec. 3. That said bonds shall be signed by the Mayor, attested by the Town Clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the Board of Commissioners, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed fifty cents on each one hundred dollars valuation of property and one dollar and fifty cents on each taxable poll: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the Town Treasurer, as said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the Board of Commissioners the number and amounts of the coupons so cancelled. How executed. Coupons. Provisions for levy and collection of special tax. Amount of tax. Use of tax. Treasurer to cancel paid coupons and report.

Sec. 4. That the Board of Commissioners shall not issue said bonds, nor any of them, nor levy or collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than twenty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the word "Improvements," and those opposing the same shall vote a written or printed ballot containing the words "No Improvements." Said election shall be held under the same rules and regulations as elections for Mayor and other town officials: *Provided*, that the Board of Commissioners may in its discretion order a new registration of voters: *Provided*, that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the Board of Commissioners in its discretion to cause a subsequent election to be held for the same purpose. Provisions for election on question of bond issue. Subsequent elections.

Sec. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the Board of Commissioners for the following purposes, and for no other purpose, to-wit: For buying or erecting, equipping, conducting and operating an electric light Use of proceeds from sale of bonds.

plant to furnish lights for the streets of said town and for its citizens; for constructing and equipping a system of water-works and maintaining and operating the same, to furnish water for the use of the town and its citizens, for constructing and maintaining a sewerage system for the town; to build a town hall and other necessary public buildings, and to furnish the same; and to grade, curb, macadamize and improve the streets of the town: *Provided*, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds.

Powers of commissioners relative to the works established under this act, etc.

Sec. 6. That the said Board of Commissioners shall have entire supervision and control of any and all of the plants and works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true interest [intent] of this act.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 305.

AN ACT TO AUTHORIZE THE TOWN OF LOUISBURG, FRANKLIN COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING A SYSTEM OF WATER-WORKS AND SEWERAGE AND AN ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

Bond issue.

Section 1. That for the purpose of providing a system of water-works and sewerage and an electric light plant for the town of Louisburg, or for any or all of said purposes, the Commissioners of the town of Louisburg, in the county of Franklin, are hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate sixty-five thousand dollars, in such denomination and forms as said Commissioners may determine, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually at such times and at such place or places as said Commissioners may determine, said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places, as the said Commissioners may determine.

Amount.

Rate of interest.

Term.

Not to be sold under par.

Sec. 2. That none of the bonds provided for in the above section shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than those declared in said section.

Bonds and coupons not subject to town tax.

Coupons receivable for taxes.

Sec. 3. That the bonds authorized to be issued by section one hereof, and their coupons, shall not be subject to taxation by the said town until after they become due and tender of payment shall have been made by the said Commissioners, and the coupons shall be receivable in payment of town taxes or other town dues for any fiscal year in which said coupons become due, or thereafter, and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time that they have been outstanding after maturity.

When interest to cease.

Execution of bonds.

Record of bonds.

Sec. 4. That the said bonds shall be numbered, and shall be signed by the Mayor of said town and countersigned by the Clerk and Treasurer of said town, and shall express upon their face the purpose for which they are issued, and shall be sealed with the corporate seal of the said town. The Clerk of the said town shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid and to whom the same are payable. Said Clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said book the true status of the bonded debt of the said town herein provided for may be readily ascertained. The said book shall be open at all times to the inspection of any tax payer of the said town.

Custody and sale of bonds.

Sec. 5. That as soon as the said bonds are issued, signed and countersigned as herein provided, the said Commissioners shall place the same in the hands of the Treasurer of said town, who shall countersign the same and deliver them to the purchaser or purchasers thereof, upon their compliance with such terms as may be designated by said Commissioners by special order entered of record in their proceedings; and the said Treasurer shall make out and return to the said Commissioners an accurate account of the number and denomination of the said bonds and to whom and when delivered. And the said Treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of said Commissioners, and be responsible for the safe custody and keeping of said proceeds, as by law it is now provided he shall be for the custody and keeping of the moneys of said town as Treasurer thereof. The said Commissioners may require of the said Treasurer such additional bond for the discharge of his duties under this act as they shall deem advisable, and they shall fix the amount of the compensation which he shall receive therefor.

Town treasurer to receive and disburse proceeds.

Treasurer's bond.

Special tax.

Sec. 6. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds herein authorized, the Commissioners of said town shall annually and at the time of levying other town taxes, levy a particular tax on all such persons and subjects of taxation upon which the said Commissioners are now or may hereafter be authorized to lay and levy taxes for any purpose whatever; said tax shall be so levied and laid as to raise a sum sufficient to pay the interest upon said bonds as it becomes due, and to provide for the payment of the principal of said bonds at maturity; the said special tax shall be collected in the manner and at the times other town taxes are collected, and shall be paid over by the Constable or other Tax Collector of said town to the Treasurer of said town, and the said Constable or Tax Collector charged with the collection of the said tax shall give a good and sufficient bond for the collection and paying over of said tax, and the bond of the said Treasurer shall be liable for the safe-keeping and proper disbursement of said tax as for other town taxes paid to him, and his said bond shall be fixed by the said Commissioners in a sufficient sum to cover the amount of said special tax, in addition to the other town taxes.

Tax rate.

Collection.

Proceeds payable to treasurer.

Treasurer's compensation.

Special taxes kept separate.

Sec. 7. That the taxes levied and collected under the authority of this act shall be kept separate and distinct from all other taxes, and shall only be used for the purposes for which they were levied and collected, and any Mayor, Commissioner, Treasurer, Tax Collector or other officer of said town, or any other person, who shall use or appropriate said special tax or any part thereof for any other purpose than those declared in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned in the discretion of the court, and any officer of said town, or other person, who shall use or appropriate the bonds authorized to be issued by this act, or the proceeds thereof, for any other purpose than those declared herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

Penalty.

Question submitted to vote.

Sec. 8. That before any of the bonds herein authorized shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said town at an election to be held in said town at such time as said Commissioners may appoint, and the said election shall be advertised for thirty days prior to the day of election in a newspaper published in said town, and at three public places therein, and in the call for said election the Commissioners shall specify for what purpose the funds arising from the sale of the bonds are to be expended, and the maximum amount of bonds which it is proposed to issue. The said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as elections for municipal

Notice of election.

Election, how conducted.

officers in said town under the law governing the same at the time when the said special election may be held. At the said election those qualified voters approving the issue of the bonds and the levy of a special tax as herein provided, shall deposit in the ballot box a printed or written ticket with the words "For Improvement Bonds" thereon, and those disapproving the same shall deposit a like ticket with the words "Against Improvement Bonds" thereon. The result of the said election shall be ascertained by the officers appointed to hold the same, and they shall certify the result thereof to the Commissioners of the said town, who shall record the same in the minutes of the town. If a majority of the qualified voters of said town at such election shall vote "For Improvement Bonds," then the Commissioners of said town shall issue the same, not to exceed the amount voted for, and shall levy the special tax as hereinbefore provided; but if a majority of the qualified voters of said town shall fail to vote "For Improvement Bonds," then this act shall be of no force and effect.

Ballots.

Result, how ascertained and recorded.

If election favorable, bonds to issue.

Sec. 9. If at the election provided for in the next preceding section a majority of the voters shall vote for the issue of bonds, then the Commissioners of the said town of Louisburg shall have full power and authority to establish and construct, and at all times to maintain and operate, a system of water-works and sewerage and an electric light and power plant, and to have entire supervision and control of the same, and to employ all such agents, servants and employees as they may deem proper. And to secure the full benefit thereof to the said town and its citizens, said Commissioners may charge or contract for rates for the use and privileges of said water, sewerage and lights by any person or corporation who may desire to use the same. And the said town shall have the full power and right to purchase and hold such real estate and personal property as may be necessary to enable it to construct, maintain and operate the said system of water-works and sewerage and electric light plant; and where it is desired to acquire any real estate, right of way or easement in lands for the aforesaid purposes, and the Commissioners and the owner of such property cannot agree upon a price therefor, then the said town shall have the right to condemn the same to its use in the manner now provided in the charter of the said town for the condemnation of lands for street and other public purposes.

Water-works and sewerage.

Rates.

Condemnation of land.

Sec. 10. All profits resulting to the said town from the operation of said system of water-works and sewerage and electric lights over and above the cost and expense of operation shall be held for the exclusive purpose of paying the interest and principal of the bonds above provided for. So much of the profits derived from the operation of said system of water-works and sewerage and electric lights, and so much of the proceeds of the special taxes which shall be

Application of profits from water-works and sewerage.

Sinking fund.

levied in pursuance of this act as may be necessary to pay the interest on the bonds issued as the same may become due, and cannot be applied to the purchase or discharge of the said bonds, shall be invested by the Town Treasurer under such rules and regulations as the Commissioners may from time to time prescribe, so as to secure the payment of the principal of said bonds at the maturity thereof.

Chapter 2, Private Laws 1899, repealed.

Sec. 11. That chapter 2 of the Private Laws of 1899 be and the same is hereby repealed, and the authority conferred in said act, or by any election held thereunder, is hereby revoked.

Conflicting laws repealed.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

Chapter 306.

AN ACT TO AUTHORIZE THE TOWN OF LINCOLNTON, IN THE COUNTY OF LINCOLN, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Issue of bonds.

Section 1. That the Board of Aldermen of the town of Lincolnton are hereby authorized and empowered to issue bonds in the name of the town of Lincolnton, in such denominations and forms as it may

Amount.

determine, to an amount not to exceed thirty thousand dollars,

Term.

payable at such time or times and at such place or places as the Board of Aldermen may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date; and the Board of Aldermen may divide said bonds into classes as they may determine best and have them mature at different convenient dates between the limits aforesaid.

Rate of interest.

Sec. 2. That the said bonds shall bear interest from date at a rate not to exceed six per centum per annum, to be fixed by the Board of Aldermen, which interest shall be payable semi-annually

Not to be sold under par.

on such days as are fixed by said board; and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than

Execution of bonds.

their par value. The said bonds shall be signed by the Mayor, attested by the clerk of the Board of Aldermen, and sealed with the corporate seal of said town, and shall have attached interest

Coupons receivable for town taxes.

coupons, which coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered and a record kept of same. That the said bonds and coupons shall not be subject to

taxation by the town of Lincolnton. The Board of Aldermen are authorized to sell or cause to be sold the said bonds at public or private sales, and all moneys arising from such sale shall be paid over to the Treasurer of said town, and the said Treasurer and the sureties on his official bond shall be liable for said money to the same extent as for other moneys belonging to said town which comes into his hands; and the Board of Aldermen may at any time require the bond of the Treasurer increased so as to secure such amounts as may come into his hands from time to time.

Bonds and coupons not subject to town tax.
Sale of bonds.
Town treasurer to hold proceeds.
Treasurer's bond.

Sec. 3. That the Mayor and Board of Aldermen of the town of Lincolnton, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, observing at all times the Constitutional equations between the poll and property, sufficient to meet the interest on said bonds as the same accumulates, and pay the principal thereof when they shall become due and payable; and such taxes shall be collected in like manner as the other taxes of said town and paid into the hands of the Treasurer thereof for such purpose.

Special tax.
Collection.

Sec. 4. That the money arising from the sale of such bonds, when paid over to the Treasurer as aforesaid, shall be kept separate by him and shall be used for the following purposes: For the erection and equipment of a system of water-works and sewerage, to buy and instal an electric light plant, to improve the streets of the town, and to pay off any indebtedness on the public school property belonging to the town of Lincolnton, or any one or more of said objects as the Board of Aldermen may select. That in the event of installing an electric light plant or a system of water-works, the Board of Aldermen are authorized to make contracts with private individuals for the use of same in their private property or otherwise, and money so raised shall be credited to the funds of said town of Lincolnton for general expenses.

Proceeds of bonds, custody and application.
Water-works; sewerage; electric lights; street improvements; school indebtedness.

Sec. 5. That before any of the bonds herein provided for shall be issued or the taxes levied, the question of issuing and levying the same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be held under the same rules and regulations as are now prescribed by law for the election of Mayor and Aldermen of said town. Such notice shall set forth the object or objects for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied to pay the same. All qualified voters in favor of the issuing of such bonds and the levying of the necessary tax to pay the same shall vote a ticket on which shall be written or printed

Question submitted to vote.
Notice of election.
Ballots.

the words "For Bond Issue," and those disapproving the same shall deposit a like ballot on which shall be written or printed the words "Against Bond Issue." If at such election a majority of the qualified voters shall vote "For Bond Issue," then the Board of Aldermen shall issue the bonds provided for in such notice and shall levy and order the collection of the taxes therein named and authorized by this act. If a majority fail to so vote "For Bond Issue," then the Board of Aldermen may again submit the question at such future time as they should select, under the same rules and regulations as already prescribed.

Subsequent election.

Result, how certified, declared, etc.

Sec. 6. That the result of said election shall be certified by the officers holding same to the Board of Aldermen at such time as they shall designate, and the Board of Aldermen shall at such time verify same and declare the result and cause the same to be recorded in their minutes.

Purchaser of bonds not to see to application of purchase money.

Sec. 7. That nothing in this act is to be construed as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for such bonds is applied to the purposes prescribed in this act.

Sinking fund.

Sec. 8. The taxes levied and collected to create a sinking fund with which to pay off the bonds as the same accumulate from time to time, may be loaned out under the supervision and by the direction of the Board of Aldermen until such time as the same can be paid in cancellation of such bonds, and the interest received for said money shall be applied and credited to such sinking fund.

Sec. 9. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 307.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTHPORT.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter 78 of the Private Laws of North Carolina, session 1889, be and the same is hereby amended as follows:

License tax on shooting galleries, etc.

Strike out in section 38, subsection 2d, the word "ten" in line 5, and insert in lieu thereof the word "fifty."

License tax on liquor dealers.

Sec. 2. Strike out in line two, subsection 4th, the words "two hundred and fifty," and insert in lieu thereof the words "five hundred."

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 308.

AN ACT PERMITTING THE TOWN OF RUTHERFORDTON TO VOTE FIVE THOUSAND DOLLARS OF BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the town of Rutherfordton are hereby empowered to order an election to vote upon the question of issuing five thousand ($5,000) dollars in 20-year 6 per cent. bonds, to be used in grading a road-bed from either the Seaboard or Southern Railroad depot into said town. Bond issue. Amount; term; interest. Purpose.

Sec. 2. That it shall be the duty of said Board of Aldermen, on the petition of one-third of the qualified voters of said town, to order an election to be held within 60 days thereafter on the question of issuing said sum in bonds; and such election shall be held in accordance with the provisions of chapter 514 of the Public Laws of 1899 and the amendments thereto. Petition for election. Election.

Sec. 3. That if a majority of the qualified voters of said town of Rutherfordton shall vote "For Bonds," then the Board of Aldermen of said town shall have power to issue said sum of five thousand dollars in bonds as aforesaid; and it shall be lawful, and said Board of Aldermen and Mayor are hereby empowered and directed, to issue said sum in bonds in pursuance of the directions contained herein and to use same in grading a railroad-bed from one of said railroads into one-third of a mile of the court-house. Said bonds when issued shall be signed by one member of the Board of Aldermen of the town of Rutherfordton, the Treasurer and Mayor of said town; and when so signed shall be valid. If result favorable, bonds to issue. Execution of bonds.

Sec. 4. That M. O. Dickerson, W. A. Harrill, D. F. Morrow, J. C. Mills, M. L. Justice and R. S. Eaves are hereby appointed a special committee to negotiate with said railroads and secure a contract with one of the same to extend their road into within one-third of a mile of the court-house in said town; and said committee is directed and empowered to enter into a contract with one of said roads for such extension and the construction of a depot within said distance of the court-house; and if said committee, or a majority thereof, shall enter into a contract with one of said railroads to extend its line as aforesaid, then and in that case it shall be the duty of the Board of Aldermen and Treasurer and Mayor of said town to issue said bonds and expend the proceeds derived from a sale of the same in the extension of one of said roads under the contract obtained by said special committee, or a majority thereof; and it shall be the duty, and said committee is hereby empowered, to overlook and supervise the expenditure of said money derived from a sale of the bonds herein authorized; but no member of said committee shall receive any compensation for any work done by Special committee named. Contract.

reason of this act, or in securing the extension of one of said railroads.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 309.

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF CHINA GROVE.

The General Assembly of North Carolina do enact:

China Grove created body politic.

Corporate name.

Powers.

Section 1. That the inhabitants of the town of China Grove be and continue as they have heretofore been, a body politic and corporate, and said corporation shall bear the name of "Town of China Grove," and under that name is hereby invested with all the property and rights of property which now belong to the present corporation of the town of China Grove; and by the corporate name of town of China Grove may purchase and hold, for purposes of its government, welfare and improvement, all such property and estate, real and personal, within or without said town as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and the same may, by its Board of Aldermen, from time to time sell, dispose of and re-invest, as shall be deemed advisable by the proper authorities of said corporation.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Three-fourths of a mile north and three-fourths of a mile south, running parallel with the North Carolina Railroad from centre of said railroad station, and one-quarter of a mile east and five-sixteenths of a mile west from the railroad at all points along the line running north and south in the form of a parallelogram, one and a half miles long and nine-sixteenths wide.

Officers, election of.

Sec. 3. The officers of said corporation shall be a Mayor and five Aldermen, who shall be elected biennially, and whose term of office shall begin as provided in the general election law for municipal corporations, as passed by the Legislature of 1901.

Oath of office.

Sec. 4. The said officers provided for in section 3 shall, before entering upon the discharge of their duties, make and subscribe to an oath to discharge the duties of their respective offices faithfully and impartially. The Mayor shall also take the oath of a justice of the peace.

Duties of mayor.

Sec. 5. The Mayor shall preside at all meetings of the Board of Aldermen, and in case of a tie in the vote of said board he shall

cast the deciding vote; he shall try all violations of the ordinances of said town, and shall have the same criminal jurisdiction as justices of the peace. He shall appoint all the committees necessary for the proper government of said town.

May issue precepts to town constable, etc.

Sec. 6. The Mayor may issue his precepts to the Town Constable, who may execute the same anywhere in Rowan County, or to such other officer to whom a justice of the peace may direct his precepts. An endorsement by the Mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

May commit persons, etc.

Sec. 7. The Mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town prison until the fine and costs imposed by him, and the jail fees, are paid; and such persons can only be released as is provided in like cases in other courts.

Mayor constituted inferior court.

Sec. 8. The Mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the Aldermen. The Mayor shall further be a special court within the corporate limits of the town, to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty he shall be fined at the discretion of the court or Mayor, not exceeding the amount specified in the ordinance so violated, or imprisoned at the discretion of the court or Mayor, not exceeding the length of time specified in the ordinances so violated.

Jurisdiction.

Ordinances, etc.

Sec. 9. The Aldermen may make all such rules, regulations and requirements and ordinances as they may deem necessary to preserve order and protect the rights, the health and property of all citizens and persons in China Grove, and any person wilfully violating any such rule, regulation, requirement or ordinance shall be guilty of a misdemeanor.

Appointment of clerk, tax collector, etc.

Sec. 10. That the Aldermen shall appoint a Clerk, Constable, who shall also be Tax Collector, and Treasurer, whose term of office shall be subject to the will of the Board of Aldermen. The Constable and Treasurer shall give bonds in such amounts as may be suggested and approved by the Aldermen.

Cemeteries.

Sec. 11. That the Aldermen may provide grave-yards near the town and regulate the same; may appoint and pay a keeper, have it kept in good order and repair, and compel the keeping and returning bills of mortality, and they may prohibit interments within the town limits.

Rules, regulations, etc.

Sec. 12. That the said Aldermen shall have power to pass by-laws, rules and regulations for their own government and for the good government of the town, not inconsistent with the laws of this State and of the United States, and to impose fines and penalties for the violation of town ordinances and collect the same.

Power to open streets, etc.

Sec. 13. The Aldermen of said town shall have power to open any new street or streets whenever by them deemed necessary for the purposes aforesaid, upon making reasonable compensation to the owner or owners thereof. In assessing the damages the Commissioners and the owner or owners shall select each a referee to assess the damages, and in case said referees disagree, the two shall select a third, whose decision shall be final. In assessing said damages the referees shall value the land so condemned and deduct therefrom the value of the benefit, if any, accruing to the owner or owners by reason of the opening of said street not common to the other citizens of the town: *Provided*, in case the owner shall refuse to select a referee then the Mayor shall select one for him.

Condemnation of land.

Proviso.

Arrest and commitment.

Sec. 14. That any Town Constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the county or town prison for as early trial as practicable.

Working of convicts on streets.

Sec. 15. That the Board of Aldermen shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town; and the said Aldermen shall have authority by their ordinance to confine, control and manage such person until the said fees and penalties and forfeitures, together with the cost thereof, shall be fully paid and satisfied under such rate for labor and board as the Aldermen may adopt.

Regulation of stoves, chimneys, etc.

Sec. 16. The Aldermen may prescribe rules regulating the erection of stoves, stove-pipes, chimneys and flues, and enforce the same by adequate penalties.

Sidewalks.

Sec. 17. The Aldermen shall cause to be kept in safe and convenient condition the sidewalks of the town, and to this end, after notice to the owners of the lots contiguous thereto, and failure for fifteen days, may have the same repaired as in their discretion they deem suitable, and recover the expense thereof before the Mayor or any justice of the peace. In said notice Commissioners may declare what kinds of sidewalks shall be made.

Graded school buildings; local assessments.

Water-works.

Sec. 18. That the Board of Aldermen of the town of China Grove are hereby authorized and empowered to erect suitable graded school buildings in such part of the city as they may select; to make local assessments; to provide water supplies for the city, either by erecting water-works or by contracting with other persons or corporations

to provide a proper system of sewerage for the city, and make all such other public improvements as the health of the citizens and the safety of property may require. Sewerage, etc.

Sec. 19. That in all cases where judgments may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the town of China Grove, and the person or persons so convicted to work on the streets or other public works until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution. Working of convicts on streets.

Sec. 20. That in order to raise a fund for the ordinary expenses of the government of the town, the Aldermen may annually levy and collect the following taxes, viz.: Levy and collection of taxes.

1. On all real and personal property within the corporate limits, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding 50 cents on every hundred dollars value. Ad valorem rate of taxation.

2. On all taxable polls, a tax not exceeding $1.50 a poll who may be residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day. Poll tax.

3. Upon every omnibus used for the carriage of persons, for hire, a license tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle, including express wagons, used for the carriage of persons or baggage, for hire, and upon every dray used for the transportation of freight or other articles, for hire, a license tax not exceeding five dollars a year; and a discrimination may be made between one and two-horse vehicles. Public hacks, drays, etc.

4. Upon all dogs kept in the city, and which may be so kept on the first day of June, a tax not exceeding five dollars; and all dogs so taxed shall be subjects of larceny: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs. Dogs. Proviso.

5. Upon all swine and goats not prohibited by the Aldermen to remain in the city when confined, a tax not exceeding five dollars a head. Swine and goats.

6. Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or in one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled. Circuses, etc.

7. Upon every person or company exhibiting in the city or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for Theatrical companies, etc.

exhibiting, the tax to be paid before exhibiting, or the same shall be double.

Exhibition of curios, etc.

8. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be double.

Shows, concerts, etc.

9. Upon each show or exhibition of any other kind, and on each concert for reward (unless for religious or benevolent purposes) in the city or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled.

Goats, sheep, hogs, etc., running at large.

Impounding and sale.

10. Upon every goat, hog or goose running at large in the city there shall be levied a tax not exceeding six dollars, and every such goat, sheep, hog or goose may be seized and impounded, and if the owner, on being notified, will not pay the tax, the animal or goose shall be sold therefor at such place as the Aldermen may designate, after three days' notice at the court-house.

Horses, etc., going at large.

11. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars.

Dogs.

12. Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dog in the city, which permission shall not extend further than the last of May next ensuing: *Provided, nevertheless,* that no property or subjects of taxation which are specially exempt from taxation shall be taxed by the city.

Proviso.

Auctioneers.

Proviso.

13. Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year: *Provided,* that this section shall not conflict with the provisions of section twenty-two hundred and eighty-four of The Code.

Vendors from stand, etc., of drugs, nostrums, etc.

14. On every person vending from a stand or hawking the same on the streets, drugs, nostrums, medicines or notions of any kind, not to exceed ten dollars.

Gift enterprises.

15. On all gift enterprises or persons offering chances or inducements to purchasers, not to exceed twenty dollars.

Itinerant merchants or peddlers.

16. On all itinerant merchants or peddlers vending or offering to vend in the town, goods, wares or merchandise not of growth or manufacture of this State, a tax not exceeding five dollars.

Billiard tables, bowling alleys.

17. If kept for profit, a tax on every billiard table not to exceed twenty-five dollars, and on every bowling alley a tax not to exceed ten dollars.

Listing of taxes.

Sec. 21. That the Clerk and Treasurer shall, on the third Monday of May of each and every year, make advertisement in some newspaper, or at three public places in said town, notifying all persons who own or have control of taxable property in the city on the first day of June, to return to him (by themselves or agents) on or before the last day of June, a list of their taxable property in said town; said

lists shall state the numbers of lots or parts of lots and all other property now taxable or that thereafter may be made taxable by the law of the State or the ordinances of the city, and the list so returned to the Clerk and Treasurer shall be sworn to before him; and he is hereby authorized to administer the following oath: "I,....., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of all other stocks, bonds, incomes, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: So help me, God": *Provided,* that agents for the purpose of listing property, shall be appointed only by females, non-residents of the city or persons physically unable to attend and file their lists as prescribed. The property of corporations shall be given in by the president, cashier, treasurer or other person appointed for that purpose; and from the returns so made the Clerk and Treasurer shall within thirty days after the expiration of the term of taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax lists are made out according to law for the collection of State taxes. And the said Clerk and Treasurer shall copy in said book the assessments made by the Board of Township Assessors of all property within the city limits, which assessment may be revised, corrected or amended by the Board of Aldermen.

Tax lists, what to contain.

Oath of tax payer.

Proviso.

Property of corporations.

Duty of town clerk and treasurer.

Assessments of property.

Sec. 22. That the Clerk and Treasurer shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his books with the returns made to the Board of Township Assessors, and by diligent inquiry from other sources, a list of taxable polls; and owners of taxable property in said city who shall have failed to return a list in the manner and times aforesaid, and said person so listed shall forfeit and pay a sum to be fixed by the board, not exceeding twice the amount of his tax; which penalty may be recovered as other fines and penalties imposed by the Board of Aldermen before the Mayor or any justice of the peace.

Persons failing to list.

Penalty.

Sec. 23. That as soon as the Clerk and Treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the Board of Commissioners shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place a tax list in the hands of the Collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first of January next ensuing, and shall pay the moneys as they are collected to the Treasurer, and the Collector, for his compensation, shall receive not exceeding five per centum on the amount collected.

Levy of taxes.

Collection.

Compensation of collector.

Sec. 24. The Constable, as Tax Collector, shall be vested with the

Powers, etc., of tax collector.

same power and authority in the collection of taxes that Sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for town taxes. He shall be credited in settlements as Sheriffs are credited. The Board of Aldermen, at the regular meeting before the last meeting in each year, shall appoint one of their number to be present and assist at the accounting and settlement between said Tax Collector and Treasurer, and to audit and settle the accounts of said Clerk and Treasurer. The accounts so audited shall be reported to the Board of Aldermen, and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud and specified error. It shall be the duty of said board to remove any Tax Collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to re-election to said office.

Settlement with tax collector.

Removal of tax collector.

Fees of constable.

Sec. 25. That the Constable shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the Mayor or others, which shall be the same as that of Sheriffs and Constables for like services. The Board of Aldermen shall pass ordinances for the government and direction of the police, and shall fix their compensation. In times of exigency the Mayor may appoint temporarily additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Police.

Contagious diseases.

Sec. 26. That the Board of Aldermen may take such measures as they may deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, if the city have one, if not, where the Mayor may direct; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Salary of clerk and treasurer.

Sec. 27. That the Clerk and Treasurer shall have a salary, to be fixed by the board, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor, and he shall receive and faithfully keep all moneys which shall be paid to him for the

use and in behalf of said city and disburse the same according to an order given in obedience to the directions of said board approving minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said accounts to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said city, and shall faithfully perform all duties imposed upon him as Clerk and Treasurer by the laws and ordinances of said board.

Account of receipts and disbursements.

Sec. 28. That all proceedings in the Mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal to the Superior Court of the county of Rowan. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement in the public streets or on the public works of the city.

Proceedings in mayor's court.

Sec. 29. That all laws or parts of laws in conflict with this act are hereby repealed, and that this act shall take effect from and after its ratification.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 310.

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WILMINGTON TO APPROPRIATE ANNUALLY TWENTY-FIVE HUNDRED DOLLARS FOR THE MAINTENANCE OF THE CARNEGIE PUBLIC LIBRARY AND FOR PROVIDING A SUITABLE SITE THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the city of Wilmington be and are hereby authorized, empowered and directed to submit to a vote of the qualified voters of the city of Wilmington, at the day and time when the next city election for the election of officers of said city shall be held during the year 1903, the question, Shall the city of Wilmington, North Carolina, appropriate annually the sum of twenty-five hundred dollars to maintain a public library, the donation of Mr. Andrew Carnegie, and provide a suitable site therefor in the city of Wilmington?

Question of appropriation for public library submitted to vote.

Election, how conducted.

Sec. 2. That said election shall be held at the same time and under the same election officers and conducted in the same manner as the election of said officers of said city of Wilmington, and that the registration and challenge of voters shall be conducted in like manner as that which obtains in the said city election. That the vote shall be counted and returned in like manner as the votes shall be counted and returned in said city election, and said Board of Aldermen shall tabulate and declare the result of the election, all of which shall be recorded on the minutes of the Board of Aldermen, and no other record or declaration of said election shall be necessary.

Returns, etc.

Ballots.

Sec. 3. That at said election the ballots cast by the qualified electors shall have written or printed upon them "For Carnegie Library Appropriation and Providing a Site Therefor," or "Against Carnegie Library and Providing a Site Therefor." All qualified electors who favor the appropriation and the provision of a suitable site for said library shall vote "For Carnegie Library Appropriation and Providing a Site Therefor." All qualified voters who are opposed to the appropriation and the provision of said site shall vote "Against Carnegie Library and Providing a Site Therefor."

If election favorable, aldermen to make appropriation.

Donation of site.

Levy and collection of special tax.

Sec. 4. In the event that a majority of the qualified electors of the city of Wilmington shall vote for the appropriation for the Carnegie Library at said election, and the result shall be declared and recorded as aforesaid, the Board of Aldermen shall appropriate for the maintenance of the said library the sum of twenty-five hundred dollars per annum, and shall donate a suitable site on which to erect the said library, and they shall levy annually, as they now or hereafter need, each year, a special library tax of not exceeding five cents on the hundred dollars worth of property and not exceeding fifteen cents on each poll; the subject of taxation and the levy of taxes is to be the same on which the said Board of Aldermen of the city of Wilmington now or may hereafter be authorized to levy taxes upon for annual city purposes. The taxes so levied shall be collected as other taxes are paid, and the same shall be a special fund for the maintenance of the said library and for the provision of the said site as aforesaid.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 311.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BILTMORE."

The General Assembly of North Carolina do enact:

Section 2, chapter 318, Private Laws 1893, amended.

Section 1. That section two of chapter three hundred and eighteen of the Private Laws of 1893, entitled "An act to incorporate the town of Biltmore," is hereby amended by striking out the words "where the same intersects the Hendersonville road, and running thence eastwardly up and along the southerly side of said river to," and by substituting therefor the word "at"; and by striking out the words at the end of said section "and thence up and along the southerly side of said river to the point or place of beginning," and by substituting therefor the words "thence continuing the same course, crossing the river, to the southerly side of the Meadow road; thence along the southerly side of said road as follows: North sixty degrees east forty feet, north fifty-one degrees thirty minutes east seventy-nine and three-tenths feet, north forty-three degrees twenty minutes east one hundred and sixty-eight and nine-tenths feet; thence north forty-five (45) degrees west to and along the line of land of one Roebling, two hundred and twenty-five feet; thence north fifty-seven degrees east five hundred and fifty-five feet; thence north ten degrees west three hundred and thirty feet to a marble block, corner of land of said Roebling; thence north forty degrees fifty-six minutes east four hundred feet to the easterly line of the Biltmore road; thence along the easterly line of said road, as follows: South fifteen degrees fourteen minutes east one hundred and twenty feet, south four degrees fifteen minutes east sixty-seven feet, south three degrees fifteen minutes west one hundred and ten feet, south two degrees sixteen minutes west sixty feet, south fifty-nine minutes east sixty feet, south four degrees forty-four minutes east sixty feet, south six degrees fourteen minutes east seventy-five feet, south eight degrees twenty-nine minutes east fifty-five feet; thence south sixty-eight degrees thirty minutes east seven hundred and ninety-five feet to a stake in a rock cliff; thence south ten degrees thirty minutes east one hundred and eighty feet to the northerly side of the Swannanoa River; thence up and along the northerly side of said river north sixty-six degrees east two hundred and three and eight-tenths feet and north eighty degrees east two hundred feet to a water-birch, and thence south fifteen degrees fifty-four minutes east about one hundred and ten feet to the place of beginning."

Corporate boundaries changed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 312.

AN ACT TO INCORPORATE THE TOWN OF ABBOTTSBURG, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the town of Abbottsburg, in the county of Bladen, be and the same is hereby incorporated under the name and style of the "Town of Abbottsburg," and shall be subject to all the provisions of chapter 62 of Volume II of The Code of North Carolina, not inconsistent with the provisions of this act.

Chapter 62, Vol. 2 of Code applicable.

Corporate limits.

Sec. 2. The corporate limits of the town of Abbottsburg will be as follows: Beginning at the 49th mile-post on the Carolina Central Railroad (now a part of the Seaboard Air Line), and running thence at right angles to the railroad to the canal in Bole Branch, thence with the line of the canal to a point where a line drawn through the 50th mile-post, parallel with the first line, intersects the canal, thence along said line to the 50th mile-post and on in the same direction to the run of Brown Marsh Swamp, thence down the run of the swamp to a point where the first line contained would intersect the swamp, thence up said line to the 49th mile-post to the point of the beginning.

Town officers.

Sec. 3. That the officers of the said town shall consist of a Mayor, five Commissioners, Marshal, Clerk and Treasurer (but the same person may, if the Commissioners so direct, hold both offices of Clerk and Treasurer), and such other officers and placemen as the Commissioners shall from time to time determine. The Mayor and Commissioners shall be elected as hereinafter provided, and the Commissioners shall elect all other officers. The Mayor shall have the right from time to time to appoint special police under the rules prescribed by the Board of Commissioners.

Election of officers.

Special policemen.

Election of mayor and commissioners.

Registrar and judges of election.

Sec. 4. An election shall be held in said town biennially thereafter for the election of a Mayor and five Commissioners, under the laws of North Carolina regulating elections in towns and cities. The County Commissioners of Bladen County shall appoint the register and judges of election to hold the first election under this act in time for registration of votes to be made according to law.

Power to make, publish and enforce ordinances.

Sec. 5. That the Mayor and Commissioners form a council, and are authorized to make, publish and enforce all necessary ordinances for the government of the said town, not inconsistent with the Constitution and laws of North Carolina and the Constitution and laws of the United States.

Taxation.

Sec. 6. That the rate of taxation provided for by this act shall not exceed ten thirty [?] cents upon the poll and thirty cents upon the hundred dollars upon the real and personal property, to be determined by the Commissioners, and such license tax as are authorized under the general law governing towns and cities.

Officers, when to qualify, etc.

Sec. 7. That the officers elected under this act shall qualify immediately after the election and announcement of the result thereof before any justice of the peace of Bladen County or Clerk of the Superior Court. All the officers hereafter elected may qualify in the same manner, or before the Mayor of the town.

Subsequent officers to qualify, etc.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 313.

AN ACT TO INCORPORATE THE WILSON TRUST AND SAVINGS BANK.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That George Hackney, J. Ed. Woodard, W. L. Banks, Jonas Oettinger, F. W. Barnes, W. J. Davis, W. E. Warren, W. T. Clark, Joe Rosenthal and John F. Bruton, and their associates and successors, are hereby created a body politic and corporate by the name and style of the "Wilson Trust and Savings Bank"; by such name may sue and be sued, plead and be impleaded in any of the courts of this State, and shall have a common seal and continual succession for a period of ninety-nine years.

Corporate name.

Corporate powers.

Places of business.

Sec. 2. The principal office and place of business of said corporation shall be in the town of Wilson, State of North Carolina, or at such other place in said State as a majority of the incorporators may determine upon; which place once decided upon shall not thereafter be changed. Its officers shall consist of a board of directors of not less than five in number (and more, if the stockholders shall so decide), a president, a vice-president, a cashier and such other employees as the board of directors may from time to time deem necessary to properly conduct the business of the corporation. The board of directors shall be elected annually by the stockholders upon a date to be prescribed by the by-laws; the directors so elected shall choose the other officers aforesaid, and may require the cashier, and such other employees as they may think desirable, to give bond with security, to be approved by the board of directors, for the faithful performance of the duties of their respective positions.

Officers.

Election of directors.

Other officers, how chosen.

Bond of employees.

Capital stock.

Sec. 3. The capital stock of the said corporation shall be fifty thousand dollars, and the same may be increased by a vote of a majority of the stock, from time to time, to an amount not to exceed five hundred thousand dollars. The capital stock shall be divided into shares of the par value of one hundred dollars each, and the shares so subscribed, when fully paid up, shall be non-assessable,

Shares.

Stockholders' liability.

and every stockholders' liability shall be as determined by section 25 of chapter 769 of the Public Laws of 1901. Fractional parts of shares may be issued if the board of directors think it desirable to

Subscription books.

do so. Subscription books may be opened at any time by any three or more of the incorporators after they shall have given thirty days'

First meeting.

notice and called a meeting of the incorporators, to be held in the town of Wilson at a place and at a day and hour named in said

Proxy.

notice. An incorporator may attend this first meeting in person or by proxy, but no person except one of the incorporators shall serve as proxy for another, and all proxies shall be acknowledged before and witnessed by a notary public or Clerk of a Court of Records, having

Quorum at first meeting. When to begin business.

a seal. At such meeting six of the incorporators, present in person or proxy, shall constitute a quorum. When ten thousand dollars shall have been subscribed and paid in, the corporation shall have the right to begin business.

Corporate powers.

Sec. 4. The corporation shall be invested with all the powers and privileges usually incident to banking institutions and savings banks, with the right to receive deposits in any sums and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized

Savings bank feature.

to adopt all necessary rules and regulations for conducting and carrying into effect the savings bank feature of this corporation, as well as the banking and trust feature thereof.

Rules, regulations, and by-laws.

Sec. 5. It shall be the duty of the stockholders, and they are hereby fully empowered, to make all necessary rules, regulations and by-laws for the government of said corporation and the conduct of its

Salaries. Vacancies.

business, as well as fix the salaries of its officers and to fill all vacancies on the board of directors.

Corporate rights and powers.

Sec. 6. The said corporation shall have the right to do a general banking business; to receive deposits; make loans and discounts; to obtain and procure loans for any person, company, partnership or corporation; to invest its money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, or upon any lands, hereditaments or personal property, or interest therein of any description, situate anywhere; to lend money upon, or purchase, or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, and any and all

Corporate powers.

negotiable or commercial papers, or any crops of produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans, not exceeding the rate allowed by law. That said company may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person, and hold,

deal in, sell or distribute the same among the stockholders; may negotiate or pledge in behalf of any corporation, company, partnership or person, shares, stock, debentures, notes, mortgages or other securities, with or without guaranty of collateral obligations by this company; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed.

Deposits.

Sec. 7. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree to; and if money be deposited by any minor or *feme covert*, either in the banking or savings bank department, or as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor or *feme covert;* and his or her check and receipt therefor shall be as binding upon such minor or *feme covert* as though he or she were of full age, or *feme sole* respectively, as the case may be.

Rights and powers as agent, factor, trustee, etc.

Sec. 8. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed upon in registration, selling and countersigning, collecting and acquiring, holding, dealing in and disposing of on account of any State, county, town, muncipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commissions or rates of compensation as may be agreed upon in and for any of the matters and things authorized by this power.

Right to insure or guarantee payment of dividends, evidences of debt, etc.

Sec. 9. That said corporation is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness to any person, partnership or corporation, for any price and on any consideration agreed upon.

Transfer of stock.

Sec. 10. That the stock of this corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock except by consent of the board of directors while he is indebted to the corporation as principal, security or otherwise; and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder. This condition shall be printed on each certificate of stock issued.

Corporate powers.

Sec. 11. That said corporation shall have power to receive money in trust; to become executor or administrator of any estate, and to

accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons, and it shall also have power to accept any grant, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

Corporate powers.

Sec. 12. Said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stock, diamonds and silver plate and other valuables, and charge and collect reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on a business of a safety deposit and trust company. It shall also have power to issue bills or notes to circulate as currency in such denominations as the board of directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States.

Corporate powers.

Storage warehouse feature.

Sec. 13. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses and depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rent and compensation for the storage and keeping thereof, which charge shall constitute a lien upon the property so stored; make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, form of the receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products or merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about such storage business as are not contrary to law; and receipts issued by said company shall be and are hereby declared to be negotiable instruments and passed by endorsement and delivery, and to entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such an assignment been made.

Branch banks.

Sec. 14. That the said corporation shall have the right to establish branch banks at such other places in the State of North Carolina as the stockholders and board of directors may from time to time agree upon: *Provided, however,* that all branch banks established under this section shall pay the license tax to the State, shall be under the supervision and control of the directors and officers of said corporation, and the said corporation shall be liable for all debts and other liabilities of any such bank so established: *Provided*

further, that nothing herein contained shall be so construed as to prevent the election of local boards of directors and other officers to take immediate supervision and control of any branch bank to be established under the provisions of this section, but such local boards and officers shall at all times be amenable to the directors and control of the principal directors and officers of the said corporation hereinbefore referred to.

Time limit in which to organize.

Sec. 15. The corporation hereby created shall have three years from and after the ratification of this act to organize and commence business, and if it shall fail to organize and commence business within that period, it shall not have the right to organize thereafter, and the power granted under this act shall cease and determine.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 314.

AN ACT TO AMEND THE CHARTER OF THE CENTRAL CAROLINA FAIR ASSOCIATION.

The General Assembly of North Carolina do enact:

Unlawful to enter grounds without paying admission fee.

Section 1. That it shall be unlawful for any person or persons to enter upon the grounds of the Central Carolina Fair Association during the progress of a fair or any public occasion, when an admission fee is charged, by climbing over or under the fence, or by pulling off a plank, or in any way entering the inclosed grounds by any trick or device, without first paying the regular admission fee and complying with the rules of the association, or to trespass upon the property of the association at any time.

Unlawful to trespass.

Unlawful to assist others to violate section 1.

Sec. 2. That it shall also be unlawful for any person or persons to assist any other person or persons to violate the provisions of the first section of this act by passing out a ticket or pass or in any other way.

Violation of preceding sections, misdemeanor.

Penalty.

Sec. 3. Any violation of either of the preceding sections of this act shall be a misdemeanor and punishable by a fine not exceeding twenty dollars, or imprisonment not to exceed ten days.

Police power.

Sec. 4. That the executive committee of the association shall have power to appoint policemen, who shall have all the powers of a Constable after having taken an oath of office before some justice of the peace.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 315.

AN ACT TO INCORPORATE THE SOUTHERN BENEFICIARY ASSOCIATION.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. T. Sanders, W. H. Houser, W. W. Smith, Geo. E. Davis and their associates, successors and assigns, shall be and are hereby created a body politic and corporate under the name and style of "The Southern Beneficiary Association," and by that name for the period of thirty (30) years, with the right to buy, take, hold and convey real and personal estate, may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have and enjoy all the rights and privileges, under chapter two (2), Laws 1901, allowed to associations of this character.

Corporate name.

Corporate powers.

Principal office.

Sec. 2. That the principal office of the said association shall be in the city of Charlotte, Mecklenburg County and State of North Carolina, but shall issue no policies or certificates until at least three hundred *bona fide* applications are received.

When may issue policies, etc.

Sec. 3. That the objects for which the said "Southern Beneficiary Association" is formed are:

Objects for which founded.

1st. To establish in the State of North Carolina, with its chief office in the city of Charlotte, N. C., "A Benevolent Beneficiary Association" for the purpose of purchasing and establishing homes and farms for the old, infirm and indigent people who have, through age or sickness, become incapable of manual labor and of maintaining themselves; and also for providing, collecting and maintaining a fund for the establishing of said homes and farms as aforesaid, and for the relief of widows, orphans or beneficiaries of deceased members of said association and of such other persons as may insure in or become members of the same. The said association is hereby authorized and empowered to issue such policies or certificates of membership, or any other paper-writing, showing and setting forth the terms of such membership in said association and the benefits derived therefrom, and to receive such premiums and amounts, in either weekly or monthly payments or otherwise, as may be provided by the by-laws of said association, and as may to it seem best to effectuate and carry out the objects and purposes of the said association.

Branch associations.

2d. It is hereby further authorized to establish such branch beneficiary associations in this State as to them shall seem wise and proper, and shall also establish such associations in any other State of the United States, subject to the laws of the State in which they may seek to do business, but no branch shall be established or operated with less than three hundred members.

Number of members requisite.

Sec. 4. That the said association shall have the right to take and hold by purchase, gift or otherwise, real and personal property not exceeding in value the sum of one hundred and twenty-five thousand ($125,000) dollars, or so much thereof as may be necessary to carry out the objects and purposes of the said association, which said property shall be made to a board of trustees and their successors or assigns, hereinafter provided for, who shall hold the same for the uses and purposes of said association, and none other, and shall have the right to convey the same whenever it shall to them seem best for the promotion of the interest of the said association. Right to hold property. Maximum amount. For what and by whom held. May convey the same.

Sec. 5. That the officers of the said association shall be composed of a president, vice-president, a secretary and treasurer and a board of trustees composed of three persons, all of whom shall be members of the said association, and, together with the president, vice-president and secretary, shall constitute the board of governors or directors of said association. Officers.

Sec. 6. That the board of directors of the said association shall meet semi-annually at its office in the city of Charlotte, on the first Monday in January and July of each year, at which time the officers shall be elected: *Provided*, the day of such annual meeting may be changed by a vote of a majority of the said directors. The first meeting of the directors of said association under this charter to organize and elect officers shall be held on the 16th day of March, 1903, and said officers shall hold their office for one year, or until their successors shall be chosen. Meetings of the directors for special or general purposes, other than the election of officers, may be held upon the call of the president of the board of directors. A majority of the officers or directors present at any of its meetings shall constitute a quorum for the transaction of business. Directors' meetings. Election of officers. First meeting. Term of office. Special meetings. Quorum.

Sec. 7. That the private and individual property of the members of the said association shall be exempted from the corporate debts of the same, except so far as is necessary for the collection of assessments or dues levied according to the rules or by-laws of the association. Liability of private property of members.

Sec. 8. That the said board of directors at any special or regular meeting may, by resolution, authorize the said board of trustees to borrow money for the said association for the purpose of aiding and [in] the conducting of its business, and shall prescribe how much, and how the same shall be borrowed and how secured. Authority to borrow money.

Sec. 9. That the board of directors, at its first meeting, shall adopt such by-laws for the government of its business as shall to them seem proper. By-laws.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

Chapter 316.

AN ACT TO INCORPORATE THE TOWN OF WENDELL, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the town of Wendell, Wake County, be and the same is hereby incorporated under the name and style of the town of Wendell, and shall be, as such incorporation, subject to all the provisions and have all the rights and privileges contained in chapter sixty-two (62), Volume two (2) of The Code and all laws amendatory thereto, except as they may be in conflict with or modified by the provisions of this act. The manufacture and sale of spirituous, vinous and malt liquors are hereby expressly prohibited in said town.

Chapter 62, Vol. 2 of Code and amendatory acts applicable.

Manufacture and sale of liquor prohibited.

Corporate boundaries.

Sec. 2. That the corporate limits of the said town of Wendell shall embrace the territory circumscribed by the following lines: Beginning at a stake on northwest side of Jno. W. Todd's and running east one-half mile to a stake on northeast side of R. P. Nowell's, thence running south one-half mile to a stake on southeast side of C. M. Nowell's, thence running west one-half mile to a stake on west side of Sparta and Tarboro road, thence north one-half mile to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a Mayor and a Board of Commissioners composed of five members, and such other subordinate officers as the Board of Commissioners may deem necessary, and shall prescribe the duties.

Names of mayor and commissioners.

Sec. 4. That until the election hereinafter provided for, the Mayor and Board of Commissioners of said town shall be composed of the following persons, viz.: Mayor, Burnell Boken; Commissioners, R. B. Richardson, E. Z. Todd, E. V. Richardson, J. W. Liles and T. J. Wheeler, who shall hold their respective offices until their successors are elected and qualified.

Provisions for annual elections for mayor and commissioners.

Sec. 5. That an election shall be held in said town on the first Monday in May, nineteen hundred and three (1903), and annually thereafter, for the election of a Mayor and five Commissioners, who shall hold their offices for the term of one year. At such elections all persons who are entitled to vote in the county of Wake for the members of the General Assembly, and who shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town.

Qualifications for voting.

Power to pass ordinances.

Sec. 6. That the Board of Commissioners of said town may pass all ordinances for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and laws of this State and of the United States, that they may deem necessary.

Sec. 7. That the Board of Commissioners shall have a power and authority to levy and collect an annual tax upon all real and personal property in said town not exceeding twenty-five cents on the one hundred dollars in value and seventy-five cents on each taxable poll, and may also levy and collect a tax upon all other subjects of taxation which are taxed by the State, not exceeding the amount charged by the State. Power to levy and collect taxes. Maximum amount. Other taxes.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 317.

AN ACT TO INCORPORATE THE CHOCKOYOTTE RAILWAY AND POWER COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Paul Garrett, C. B. Cole, L. A. Weller and H. D. Jordan, their associates, successors and assigns, are hereby created and declared a body politic and corporate under the name of the "Chockoyotte Railway and Power Company," for a term of sixty years from this date, and by that name may sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and be capable of purchasing, holding, selling or leasing such property, real, personal or mixed, as may be necessary or convenient in carrying out the plans for which it is organized, and may do any and all things necessary and incident to the carrying on and conduct of the business it is hereby authorized to do, and shall [have] all the rights and powers which corporations may lawfully exercise, or which are conferred upon street-railway companies under the general law. Corporators. Corporate name. Corporate powers.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars, with the privilege to increase the same at any time to an amount not exceeding one hundred thousand dollars: *Provided*, that the Secretary of State may authorize the increase of said capital stock to an amount greater than one hundred thousand dollars, upon application to him and the payment of the tax required by law on said increase. The company may receive in payment for its capital stock, money, property, franchises or services on such terms as the directors may fix, and shall [have] the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, or any part thereof, its franchises and effects, to secure their payment. Capital stock. Increase. In what capital stock may be paid. Right to borrow money and secure the same.

Right to construct railroads. Location.

Sec. 3. That said company shall have the right to lay out, construct and operate one or more railroads from any point or points on Roanoke River, within Halifax County, to any town or towns in said county, for the purpose of transporting passengers and freight for hire, using either electricity or steam as motive power.

Corporate powers incident to construction.

Sec. 4. That said company shall have power and authority to construct dams, culverts, trestles and bridges over and across streams, falls and depressions, and to cross at, over or under grade, any other railroad, or to intersect or join its road with any other railroad upon the lands of such other company at any point or points in its route.

Right to enter upon lands of others for purpose of locating road.

Sec. 5. That it shall be lawful for any officer or agent, surveyor or engineer, or other employee of said company, to enter upon the lands of any person for the purpose of exploring, leveling or doing anything necessary or proper to be done for the laying out of said railroads and locating the same; and upon the location and construction of said road, or any part thereof, if no agreement can be made by the company with the owner or owners of the land through which the same shall run, the company may condemn a right of way extending not more than fifty feet on each side from the centre of the track. The proceedings for the condemnation of such land shall be the same as are prescribed by The Code of North Carolina.

Power to condemn lands. Width of right of way. Condemnation Proceedings.

Transportation of freight, passengers, etc. Fares, tolls, etc.

Sec. 6. That said company shall have the right to transport and carry passengers and freight over and along its said lines and branches, and mail and express matter, and charge such fares and tolls for the same as may be prescribed by the board of directors, not inconsistent with law, and to fix rates for the use or service of its telephone and telegraph lines, not inconsistent with law, and to do any and all things necessary or expedient for the proper management of said company or usually done by other railroad companies.

Street railways, electric, power, and gas plants.

Sec. 7. That said company shall [have] the right to construct, maintain and operate systems of street-railways, the electric light plants, electric power plants or gas plants in any town in said county, upon first obtaining permission from the Board of Aldermen or Commissioners of such town, and may own, construct and operate telephone and telegraph lines along its railways, and shall [have] the power to do any and all things necessary to successfully carry [on] and conduct the enterprises authorized by this section.

Telegraph and telephone lines.

Principal office and other places of stockholders' meetings.

Sec. 8. The principal place of business shall be in Weldon, North Carolina, but the stockholders may meet at any other place in the State as the by-laws of the corporation may provide.

By-laws.

Sec. 9. That the board of directors of said company may make any and all by-laws, rules and regulations for the government of said company, and elect such officers and employees as they may think proper, and fix their duties and salaries. The first board of direc-

Officers and employees, etc.

tors may be chosen by the stockholders at any meeting of the stockholders called for that purpose at which a majority of said stockholders may be present. The directors shall thereafter be chosen in such manner as the by-laws may prescribe. First board of directors, how chosen. Subsequent boards.

Sec. 10. That the stockholders shall not be personally liable for the debts, contracts or other liabilities of said company. Stockholders' liability.

Sec. 11. That this act shall be in force from its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 318.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OLD FORT.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-eight (88), Private Laws of one thousand eight hundred and ninety-three (1893), section thirteen (13) of said chapter, be amended by striking out the word "fifty" in the sixth line and inserting between the words "exceeding" and "cents" the word "twenty-five"; and by striking out in line seven (7) of said section thirteen (13) the word "fifty" and inserting the words "thirty-five" between the words "and" and "cents" of said line seven (7); and all laws and parts of laws inconsistent with this section are hereby repealed. Chapter 88, Private Laws 1893, section 13, line 6 amended. Line 7, section 13, amended. Conflicting laws repealed.

Sec. 2. That chapter eighty-eight (88), Private Laws of one thousand eight hundred and ninety-three (1893), be amended by inserting after section ten (10) and before section eleven (11) the following, namely: Section 10½. Any person or persons convicted of violating any ordinance of said town of Old Fort who shall not immediately pay the fine imposed upon him may be sentenced to work on the public roads of McDowell or any adjoining county for thirty (30) days. Section 10½ inserted between sections 10 and 11. Persons convicted of violating ordinance may be worked on public roads 30 days.

Sec. 3. That chapter eighty-eight (88), Private Laws of one thousand eight hundred and ninety-three (1893), be amended by inserting after section fifteen (15) and before section sixteen (16) the following, namely: Section 15½. That the Board of Aldermen of the said town [of] Old Fort shall have power to require the owner or owners of lots on such streets as they may desire, to construct sidewalk or sidewalks in front and on all sidewalks adjoining said lot or lots in such manner as may be prescribed by said Aldermen, and on failure to do so within ten days after notice to said owner, calling on said owner or owners to construct said sidewalk or sidewalks in the manner prescribed in the notice, the Board of Alder- Section 15½ inserted between sections 15 and 16. Aldermen may compel owners of lots to construct sidewalks in front thereof.

Failure to do so, aldermen may construct at expense of owner.

men may cause the sidewalks to be constructed, either with brick, stone or gravel, at their discretion, and the person or persons in default shall pay the cost of the construction of the sidewalk or sidewalks, and the Board of Aldermen shall assess the cost of the construction of said sidewalk or sidewalks against the property of said owners, and shall be collected in such manner as taxes due the said town by distress or otherwise; said sum or sums shall be a lien on the said lots, and if not paid in sixty days after completion of the sidewalk or sidewalks, said lot or lots may be sold to pay such expenses and cost, under the same rules and regulations and rights of redemption as are provided by law for the sale of land for unpaid taxes: *Provided*, that if the owner or his agent shall avow his intention not to construct said sidewalk or sidewalks, the Board of Aldermen may proceed at once to construct same without notice.

How collected.

Lien on lots.

Provisions for sale to pay expenses.

When may construct without notice.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 319.

AN ACT TO INCORPORATE THE OXFORD SAVINGS BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That H. G. Cooper, J. M. Currin, J. G. Hunt, R. T. White, J. S. Brown, J. G. Hall, B. S. Royster, J. H. Bullock, W. B. Ballou, J. B. Roller, S. W. Cooper, F. W. Hancock, Z. W. Lyon, G. B. Royster, and their associates, successors and assigns, are hereby declared and constituted a body politic and corporate by the name of the "Oxford Savings Bank and Trust Company," and as such shall have succession for the term of sixty (60) years, and by that name may sue and be sued, appear, prosecute and defend in any place or court whatsoever.

Body politic.

Corporate name.

Term.

Capital stock.

Increase.

Sec. 2. The capital stock of said corporation shall be not less than fifteen thousand ($15,000) dollars, with the privilege to increase the same from time to time by a majority vote of the stockholders in the manner prescribed by law, to an amount not to exceed one hundred and twenty-five thousand ($125,000) dollars, to be divided into shares of the par value of one hundred dollars each. At all meetings of stockholders each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock fully paid and held by him.

Voting power.

Books of subscription.

Sec. 3. The corporators above named, or any five of them, may open books of subscription, and when fifteen thousand ($15,000) dollars of stock has been subscribed and paid for, upon notice issued

by said corporators, or any five of them, the subscribers may meet and organize by the election of a board of directors of not less than five, who shall manage the affairs of the corporation for one year, or until their successors are elected, and who shall elect all necessary officers, employees and agents, fix their salaries and prescribe their duties. Organization. Directors and officers.

Sec. 4. The principal office and place of business of said corporation shall be in the town of Oxford, State of North Carolina, with authority to establish agencies, offices and branches at such other places in said State, or in any other State of the United States, as may be determined by a majority vote of the stockholders of said corporation: *Provided*, this section shall not be construed to authorize the establishment of other banking institutions until the general banking law is complied with. Principal office. Branch offices. Proviso.

Sec. 5. Said corporation shall have the right to do a general banking business; to receive deposits and allow interest on the same or not; to make loans; to discount bills of exchange, foreign or domestic, promissory notes or other negotiable paper; to borrow money in such amounts and at such rates of interest as the board of directors may determine, and issue its certificates, notes or bonds under its corporate seal for the same; to loan money on mortgage or deed of trust conveying real or personal property, or on other security; to subscribe to, purchase or lend money upon any stock, shares, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders or any other person; to negotiate or place in behalf of any State, municipality, corporation, company, partnership or person, stocks, bonds, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said corporation; to sell or subscribe any of the property, real or personal, or any interest therein owned by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription; to lend money upon, or purchase or otherwise accept, bills of lading or the contents thereof, or any crops or produce whatever, or any stock, bullion, merchandise or other personal property, and to sell or otherwise dispose of the same, and to charge not exceeding the legal rate of interest on such loans and the costs and expenses of storage, insurance and making sale, if the same be necessary. General banking business.

Sec. 6. The corporation hereby created shall have power to make contracts; to have and use a common seal, and alter the same at pleasure; to buy, hold, possess, convey and lease real and personal property; to collect rents, lease and sell real and personal property, and charge commissions for such services; to conduct a general fire, Powers. Insurance business.

life, accident and other kinds of insurance business, when they shall have fully complied with the insurance laws of the State; to make by-laws for the regulation and management of its business, and to do all lawful acts and things and exercise all lawful powers and privileges which a savings bank and trust company or other corporate body may do.

By-laws.

Savings bank business, etc.

Deposits of minors and married women.

Sec. 7. The said corporation may receive deposits from minors and married women, and open accounts with them in their own names, whether for investment or otherwise; and when any minor or married woman shall make such deposit the corporation may deal with him or her in reference to the same as though he or she were *sui juris*, and any and all payments made to such minors or married women, or his or her order, receipt or check drawn against such deposit, shall be a valid release and discharge to said corporation for such deposit and any interest thereon, or any part of either.

May act as fiscal agent or trustee, etc.

Sec. 8. The said corporation may act as the fiscal or transfer agent or trustee for any State, county, municipality, body politic, corporation, company, partnership, or for any person or persons, and in such capacity may receive and disburse money and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of debt; may accept and execute trusts of every description as fully as a natural person could, which may be committed to it by any person or persons, company, partnership or corporation, or by the order and decree of any court, upon such terms as may be agreed upon, provided and declared; may accept and execute trusts for married women in respect to their separate property, and may act as agent for them in the management, sale and disposition of their property, and receive for such service such compensation as may be agreed upon.

May act as executor, etc.

Sec. 9. Said corporation shall have power to act as executor, administrator, guardian, receiver, assignee, trustee or commissioner, and to take, accept and execute any and all such trusts and powers as may be conferred upon, entrusted or committed to it by any person or persons, or by any corporation, by agreement, deed, grant, assignment, will, devise, bequest, transfer or otherwise, or by order and decree of any court of record, and to receive, take, hold, manage and convey any and all property or estate, real or personal, which may be the subject of any such trust, and make title to the same, and shall receive for such services the commissions allowed by law or such compensation as may be agreed upon.

May act as guardian, receiver, etc.

Sec. 10. In all cases when application shall be made to any court of the State for the appointment of any administrator, guardian, receiver, assignee, trustee or commissioner, it shall be lawful for such court to appoint the Oxford Savings Bank and Trust Company such administrator, guardian, receiver, assignee, trustee or commissioner,

and the accounts and reports of said corporation in such fiduciary capacity shall be regularly filed and settled in the manner prescribed by law for individuals acting in such capacity; and upon the filing and settlement of such accounts and reports all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its services in administering such trusts as though it were a natural person, and such corporation shall be subject to all orders, decrees or judgments of the proper tribunal or courts in relation to such trusts: *Provided*, that in cases in which such fiduciaries are required to take oath for the faithful performance of duty or for other purposes, such oath shall be taken by the president, vice-president, secretary, treasurer, cashier or other managing officer of the corporation.

Subject to orders of court.

Sec. 11. Said corporation is fully authorized and empowered to act as trustee, assignee or receiver for any insolvent firm, partnership, company or corporation, and to receive on deposit all funds in litigation in any of the courts of the State, and pay therefor such interest as may be agreed upon, not exceeding the legal rate.

May act as assignee of insolvents, etc.

Sec. 12. Said corporation shall have full power and authority to receive for safe-keeping on deposit, money, bonds, stocks, diamonds and other precious stones, silver, silver ware, jewelry, plate, bullion, books, papers and other valuables, and charge and collect therefor a reasonable compensation, which charge shall be a lien upon such deposit until paid, and to carry on the business of a safety deposit and trust company.

Safety deposit business.

Sec. 13. It shall be lawful for any individual, executor, administrator, guardian, receiver, assignee, trustee, commissioner, collector, public officer or other person having the control and custody of any bonds, stocks, notes, securities, money or other valuables, to deposit the same for safe-keeping with said corporation.

Depository for trustees, etc.

Sec. 14. Said corporation may build, erect, purchase, lease, maintain, conduct and operate warehouses or depots for the storage of wares, goods, merchandise, cotton, tobacco, farm products and other personal property, and charge and collect commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a lien upon the property so stored; make rules, regulations, contracts and by-laws fixing the terms and prices for storage, insurance, inspections, forms of receipts for property stored, and all other matters affecting the proper conduct of such business; make advances of money or credit upon any and all articles stored as aforesaid, and do all such things as may be deemed advisable and profitable in relation to such storage business as are not contrary to law; and to issue receipts for any and all property on storage, which receipts shall be and are hereby declared to be negotiable instruments, and the same shall pass by indorsement and delivery, and shall entitle the holder thereof to the property specified therein

Storage warehouse business.

Warehouse receipts negotiable.

in like manner as the party to whom they were originally issued would be had no such assignment or indorsement been made.

Foreclosure of liens, etc.

Sec. 15. It shall be lawful for said corporation to sell at public auction any and all property or securities of whatsoever kind mentioned or specified in any contract or agreement between the corporation and other party or parties, after ten days have elapsed from the time of the maturity of any obligation under said contract or agreement, or immediately upon the discovery of any fraud, misrepresentation or concealment, which might jeopardize the rights of the corporation or its security, after twenty days' advertisement of the time and place of such sale in some newspaper published in the town of Oxford; and upon such sale, and out of the proceeds thereof, to reimburse itself for the money due it, with interest, storage charges, cost of insurance and expenses of selling, and for any loss it may have sustained or any expense incurred by the non-fulfillment of such contract or agreement, or by reason of said fraud, misrepresentation or concealment.

Issuance and execution of certificates, bonds, etc.

Sec. 16. Said corporation is authorized and empowered to make, execute and issue in the regular course of the business herein specified all necessary papers, receipts, certificates, bonds, vouchers and contracts, which shall bear the impress or stamp of the seal of the corporation, and shall be signed by the president or vice-president and countersigned by the secretary, treasurer or cashier; and all drafts, orders, checks, certificates, bonds or receipts, signed and countersigned as aforesaid, shall be transferable and negotiable, if payable to order, by indorsement; and if payable to bearer, by delivery.

Individual liability.

Sec. 17. The stockholders of said corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock. The term stockholder shall apply, not only to such persons as appear by the books of said corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person; but not to a person who may hold the stock as collateral security for the payment of a debt.

Term "Stockholder" defined.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 320.

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF YOUNGSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter 111 of the Private Laws of 1874-'75 be amended by striking out all of section two and inserting in lieu thereof the following: That the corporate limits of the said town shall be as follows: Beginning at a point four hundred and forty yards north of where the Raleigh and Gaston Railroad intersects with Main street, and running east four hundred and forty yards; thence south eight hundred and eighty yards; thence west eight hundred and eighty yards; thence north eight hundred and eighty yards; thence east four hundred and forty yards to the beginning; the intersection of said railroad being the geographical centre. Former act amended. Corporate limits.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 321.

AN ACT TO INCORPORATE THE LUMBERTON AND RALEIGH RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That C. W. Broadfoot, W. I. Williams, H. McD. Robinson, J. E. Elliot, D. W. Townsend, W. J. Johnson, John McArton, Lock Shaw, Silas Solomon, W. M. Maison, J. G. Williams, Mark Maison, W. W. Fitzhugh, John B. McCormick, S. R. Townsend, Park Fitzhugh, A. B. Pearsall, J. F. L. Armfield, T. C. Williams, John Culbreth, R. W. Massey, A. A. McCormick, A. C. Holloway, B. Goodwin, W. L. Holt, B. R. Huske, and such other persons as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate under the name of the "Lumberton and Raleigh Railroad Company," and when organized as hereinafter provided said corporation may have and use a common seal, and sue and be sued in all the courts of the State by its corporate name, and shall be capable of purchasing or acquiring, by gift or devise, estate, real, personal or mixed, and of holding or leasing or selling the same as the interest of said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed neces- Incorporators. Body politic. Corporate name. Powers.

sary or expedient for that purpose: *Provided*, the same shall not be inconsistent with the Constitution and laws of the State or the United States.

Power to build, etc., railroad.

Sec. 2. That the said railroad company is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from Lumberton to Raleigh, and said company shall have the power to build and operate branch roads not to exceed fifty miles in length.

Termini.

Branch roads.

Capital stock.

Increase.

Sec. 3. That the capital stock of said company shall be twenty-five thousand dollars, with power to increase the same at any time before the Secretary of State to one-half million dollars, vested in the stockholders in shares of the value of twenty-five dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations; and subscriptions may be received in money, labor, land, materials, stocks, bonds or other securities, or in any way that may be agreed upon between the company and the subscribers, and the said company may receive donations or assignments of any such property or securities, as well as contributions of labor.

Payment of subscriptions.

Books of subscription.

Sec. 4. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within twenty-four months after the ratification of this act at such places in the counties of Cumberland, Robeson and Wake as shall be appointed by the corporators, and the said corporators or a majority of them may, at any time after the sum of five thousand dollars has been subscribed to the capital stock of said railroad company and ten per cent. paid thereon, have power to call together the subscribers to the capital stock of said railroad company for the purpose of completing the organization of said company.

Organization.

Annual meetings of stockholders. Election of directors.

Sec. 5. That said company shall hold a meeting of the stockholders at its organization, and annually thereafter. Seven directors shall be elected by the stockholders to hold office for one year and until their successors shall be elected; and in all such meetings of the stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner to be prescribed in the by-laws of the company, and each share shall be entitled to one vote on all questions. That it shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided for in the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; and any meeting of the stockholders shall have power to make and to alter any by-law or by-laws as they may think best.

Voting power.

Election of officers.

By-laws.

Transfer of stock.

Sec. 6. That said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Sec. 7. That said company shall have the right to have land condemned for the right of way and for necessary warehouses and buildings, according to existing laws, and particularly according to the right to condemn land as provided in the charter of the Wilmington and Weldon Railroad Company and of the acts amendatory thereof, and shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to lease or purchase the road-bed, property and franchises of any railroad or tram-road with which it may connect, and to operate the same; and to purchase or lease and hold the bonds or stock of any other railroad in the State, or to consolidate with any connecting line of railroads. Condemnation of land. Procedure. Right to purchase, sell, lease, etc.

Sec. 8. That said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed, and shall have exclusive right of transportation over the same. Power to operate part of line.

Sec. 9. That said road or company shall have right to build branch roads connecting with it, not exceeding fifty miles in length, and for this purpose shall have all the rights and privileges conferred by this act. Branch roads.

Sec. 10. That said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest. Power to borrow money, issue bonds, etc.

Sec. 11. That the work on this road may be begun within five years. In what time work to begin.

Sec. 12. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

Sec. 13. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

Chapter 322.

AN ACT TO INCORPORATE "THE BANK OF RAEFORD, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Section 1. That J. C. Thomas, John Blue, A. W. E. Capel, Neill S. Blue, Jno. W. Moore, and their associates and successors and assigns, be and they are hereby created a body politic and corporate Incorporators. Body politic.

Corporate name. Powers. Term. under the name and style of "The Bank of Raeford," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continuous succession for sixty years, and a common seal for the purposes indicated in this act.

Capital stock. Shares. May begin business, when. Sec. 2. That the capital stock of said corporation shall not be less than ten thousand dollars, which may be increased from time to time to a sum not exceeding twenty-five thousand dollars, in shares of one hundred dollars each. Said corporation may commence business when five thousand dollars shall have been paid in.

Directors. Officers. By-laws. Sec. 3. That the affairs of the corporation shall be governed by a board of not more than ten and not less than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year and until their successors shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding annual meeting, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business, also to appoint its officers and fix their salaries.

Principal office. Sec. 4. That the office or banking house of the corporation shall be located in the town of Raeford, N. C.

Corporate powers. General banking business. Sec. 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institution by the laws of North Carolina, and shall have the power to receive and pay out the lawful currency of the country, to deal in mercantile paper, exchange, gold and silver coins, stocks, bonds, notes, mortgages and other securities; to buy and sell real and personal property; to lend money on personal security or to make loans secured by real or personal property; to receive deposits; and for the use and loan of money may charge a rate of interest per annum as high as may be allowed by the laws of the State, and may take and receive said interest at the time of making said loan, free from all other control or liability whatsoever. When married women or minors shall deposit money or other property in the bank to their own credit or in their own name, they may withdraw the same on their own individual check and be bound thereby.

Execution of deeds. Purchase at foreclosure sale. Deeds of real estate shall be made by the president and the vice-president, under the seal of the corporation. When the bank shall cause to be sold any of the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption.

Proviso.

Sec. 6. That the stock held by any one shall be transferred only on the books of the said corporation, either in person or by the attorney. Transfer of stock.

Sec. 7. This corporation is invested with the powers and privileges incident to savings banks; may receive deposits in very small sums, the limit to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings, or as fixed, according as may be agreed upon between the bank and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank feature of this corporation. Savings department.

Sec. 8. That the stockholders of this bank shall be individually responsible, equally and ratably, and not for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The term stockholder, when used in this chapter shall apply, not only to such persons as appear by the books of the corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person; but not to a person who may hold the stock as collateral security for the payment of a debt. Individual liability. The term "stockholder" defined.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

Chapter 323.

AN ACT TO INCORPORATE THE TOWN OF SHORE, IN YADKIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Shore, in Yadkin County, North Carolina, be and the same is hereby incorporated by the name and style of the town of "Shore," and it shall have the benefit of and be subject to all the provisions of law now in existence in reference to incorporated towns, and not inconsistent with this act. Town of Shore incorporated. Corporate name. Powers.

Sec. 2. The incorporated limits of said town shall be as follows: Beginning at the point where the Gough Branch intersects the township line of East East Bend and Forbush, running north about a half mile to Mill Creek; thence eastwardly meandering with said Mill Creek about two miles to the Yadkin River; thence south with said Yadkin River about three-quarters of a mile to the said East Corporate limits.

East Bend and Forbush Township line; thence west with said township line about two miles to the beginning.

Election of officers. Sec. 3. That the officers of the said town shall consist of a Mayor, three Aldermen and a Marshal, to be elected in accordance with the general law regulating elections in towns and cities.

Officers named. Sec. 4. That until their successors shall have been elected and qualified, on Tuesday after the first Monday in May, 1905, the following persons shall be the officers of said town, to-wit: Mayor, T. A. Poindexter; Aldermen, George Steelman, A. E. Shore, Samuel Speas; Marshal, Lee Plowman.

Sale of liquors regulated. Sec. 5. No whiskey shall be sold by retail within said incorporation, excepting for delivery to railroad or express company for transportation, and that whiskey so sold shall be in original packages: *Provided*, that no distillery, other than the ones now existing, shall be allowed to operate in the town.

Proviso: distilleries.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 324.

AN ACT TO AMEND CHAPTER 39 OF THE PRIVATE LAWS OF 1891, RELATIVE TO THE CHARTER OF THE TOWN OF TRYON, N. C.

The General Assembly of North Carolina do enact:

Former act amended. Section 1. That chapter 39 of the Private Laws of 1891 is hereby amended as follows: In line 12 of section 11, after the word "sewerage" and before the word "provided," insert the following: Moreover said Board of Commissioners shall have the power to assess upon the owners of abutting property two-thirds of the cost of curbing and making sidewalks, and to collect the same in the manner prescribed for the collection of other municipal taxes.

Street improvements, etc.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 325.

AN ACT TO INCORPORATE THE ENTERPRISE SAVINGS AND LOAN COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That O. P. Heath, W. C. Heath, H. B. Adams, A. W. Heath, T. J. Jerome and J. J. Crow, and their associates and successors, are hereby created and made a body politic and corporate under the name and style of Enterprise Savings and Loan Company, and by that name shall have all the rights, franchises, powers and privileges incident to a corporation. Incorporators. Body politic. Corporate name. Powers.

Sec. 2. That the capital stock of the said corporation shall be one hundred thousand ($100,000) dollars, to be divided into four thousand shares of the par value of twenty-five ($25) dollars each. The corporators named above, or any three of them, may open books of subscription, and after four hundred shares of stock shall have been subscribed for, the corporators having charge of the books of subscription aforesaid may give notice of a meeting of the subscribers to be held at some place in the city of Monroe, at a time to be fixed in the notice, and at such time and place the subscribers, or a majority in interest of them, may meet and organize the corporation, and as soon as the sum of ten thousand dollars of the capital stock has been paid in the corporation shall have authority to commence business. Capital stock. Shares. Books of subscription. First meeting. When to begin business.

Sec. 3. The principal office and place of business of the said corporation shall be in the city of Monroe, State of North Carolina, and the corporation shall have authority to establish branch offices at Waxhaw and Marshville, in the county of Union, State of North Carolina, and at such other places as it may deem proper and for the advantage of the corporation. The corporation is also authorized to determine what officers it shall have, and it shall make all needful by-laws, rules and regulations that may be necessary to conduct its business in accordance with the provisions of this act, and it shall have power to make contracts, use a common seal, sue and be sued in the courts as fully as natural persons, to buy, hold, possess and convey real, personal or mixed property, and to do any and all lawful acts and exercise all lawful powers and privileges which a corporate body may do or exercise. Principal office. Branch offices. By-laws. Powers.

Sec. 4. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain or procure loans for any person, company, firm, partnership or corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments, tenements or personal property, or interest therein of any description, General banking business.

situate anywhere; to lend money on, or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law.

Power to own stock in other corporations, etc.

Sec. 5. That the said corporation may become the owner of the capital stock of other corporations, either by subscription or by purchase, and may, by its duly constituted agent, cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporations, and it may do the business of general dealer in stocks, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, firm, partnership or business, and may act as fiscal agent and place in behalf of any corporation, company, firm, partnership or corporation, public or private, person or persons, shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligations by said company; may sell or subscribe any of the property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums, at such times and on such terms as the board of directors may agree to, as an investment or otherwise.

May act as fiscal agent, etc.

Savings bank business.

Sec. 6. That said corporation shall be invested with all the privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Deposits of married women and minors.

Sec. 7. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said corporation may deal with such married woman or minor in reference thereto as though he or she were *sui generis* and under no disability, and payment made to such minor or married woman on his or her receipt, check, draft or acquittance, or payment to such person or persons, company, firm or corporation, or the assignees of such, as

shall present the check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest on or the part thereof so drawn and paid.

Power to conduct surety and bonding business.

Sec. 8. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any executor, administrator, guardian, trustee, corporation or natural person, or on bonds and undertakings of all kinds required in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers or of any agent or attorney duly authorized and empowered so to do by the rules and regulations of the corporation.

May act as agent, trustee, etc., for States, counties, etc.

Sec. 9. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, city, municipality, corporation, company, firm, partnership or individual, on such terms as to agency and commission as may be agreed upon in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, city, town, municipality, corporation, company, firm, partnership or individual, any and all bonds, certificates of stock or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commissions or rate of compensation as may be agreed on concerning any of the matters and things authorized by this charter.

May act as trustee, executor, etc.

Sec. 10. That said corporation shall have power to receive money in trust; to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons; and it shall also have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or property, or trust created by the laws of this State, or in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

May act as guardian, assignee, etc.

Sec. 11. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Enterprise Savings and Loan Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person; and upon such settlement or adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said corporation for its services, care and management in the premises; and said corporation as such receiver, trustee, administrator, assignee, commissioner or guardian, shall be subject

Subject to orders of court. Proviso.

to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken, in order for the qualification to any office or trust above mentioned, may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

May act as trustee, etc., of insolvents.

Sec. 12. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, or to act as trustee in bankruptcy under the National Bankruptcy Act, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

Storage warehouse business.

Sec. 13. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, form of receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product, and merchandise, stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law, and the receipts issued by said company shall be and hereby are declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the bearer thereof to the property marked and designated therein in such manner as the original holder would be had not such an assignment been made: *Provided*, that in the absence of any stipulation in the receipt or any contract between the said company and any disposition of property in said warehouses, the said company shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

Rules and regulations.

Warehouse receipts negotiable.

Proviso.

Individual liability.

Sec. 14. That the stockholders in this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 15. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 326.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF COLUMBUS.

The General Assembly of North Carolina do enact:

Section 1. That section six (6) of chapter 254 of the Private Laws of 1897, it being an act entitled "An act to incorporate the town of Columbus," be amended by striking out all of said section beginning with the word "and" in line eight and inserting in lieu thereof the following: "and they shall have power to levy a tax not to exceed sixty-six and two-thirds cents on the one hundred dollars worth of property and two dollars on the poll." Former act amended. Tax rate.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 327.

AN ACT TO INCORPORATE THE BANK OF WHITAKERS.

The General Assembly of North Carolina do enact:

Section 1. That J. H. Exum, Jr., W. S. Knight, J. C. Braswell, J. M. Cutchin, J. C. Moore and W. H. Bond, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the Bank of Whitakers, and as such shall have the power to sue and be sued, to plead and be impleaded, maintain and defend actions and special proceedings in its corporate name; to take, buy, hold, lease and exchange and convey real and personal estate, and to conduct and carry on in its full scope and import a general banking business, with all the powers, rights, privileges and immunities hereby specially granted, and in addition thereto all those contained in chapter two of the Public Laws of 1901 and in the amendments thereto, and contained in chapter 4, Volume II of The Code entitled "Banks." Incorporators. Body politic. Corporate name. Powers. Chapter 2, Public Laws 1901. The Code.

Sec. 2. The capital stock of this corporation shall not be less than six thousand dollars, in shares of fifty dollars each, and such Capital stock; shares.

Increase. capital stock may be increased from time to time as the corporation may elect, to a sum not exceeding twenty-five thousand dollars.

When business to begin. Said corporation may begin its banking business when four thousand five hundred dollars of its capital stock shall have been paid in.

Books of subscription. Sec. 3. The corporators in the first section named, or a majority of them, are hereby authorized to open books to the capital stock of said banking corporation at such time and place as they may determine; and the stockholders of said bank, at any general meeting Organization. called after the organization of said bank, may from time to time reopen said books of subscription to said capital stock until the same be wholly taken.

Directors. Sec. 4. The affairs of the corporation shall be governed by a board of not less than five nor more than nine directors, who shall be Officers. elected annually by the stockholders. The directors shall choose from the stockholders a president and vice-president, who shall serve for one year and until their successors are elected. A majority of the board shall have power to fill all vacancies in its body until the next general meeting of the stockholders, to make rules, regulations By-laws. and by-laws for the government of the corporation and for the conduct of its business; also to appoint officers, fix their salaries and term of service, and may, for any cause by them deemed sufficient, suspend or discharge such officers and employees of the corporation.

Principal place of business. Sec. 5. The office or banking house of the corporation shall be located in the town of Whitakers, North Carolina.

General banking business. Sec. 6. This corporation shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, gold and silver coin, stocks, bonds, notes and other securities; to buy and sell real and personal property; to receive deposits; and for the use of money may charge the rate of interest fixed by law, and may take such interest at time of making the loan or otherwise, free from all other control or liability whatever.

Individual liability. Sec. 7. The stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts and debts and engagements of such corporation to the extent of the amount of their stock therein at par value thereof, in addition to the amount invested in such shares.

Deposits of married women and minors. Sec. 8. That whenever any deposit is made in the name of any minor or married woman, the same shall be held for their exclusive benefit, and the acquittance of such person or their check paid for such amount shall be a sufficient and valid discharge from any further liability on that account.

Purchase of property at public sale. Sec. 9. That whenever any real estate or personal property is sold under the authority of law the president of this corporation may purchase the same at such sale for the corporation, and such sale, notwithstanding any interest held in the said property by the cor-

poration, shall be valid and binding on all persons having any interest therein.

Transfer of stock.

Sec. 10. That the stock held by any person in this corporation shall be transferred only on the books of the corporation, in person or by attorney.

Stock of delinquents, how forfeited, etc.

Sec. 11. That whenever any person who has subscribed to the capital stock of this corporation shall fail to pay the same, the amount of such subscription may be recovered by the corporation in a civil action; and any person who has paid a part but not all of the amount of the capital stock subscribed by him may be, at the election of the corporation, sued as aforesaid for such unpaid balance, or forfeit to the sole use and benefit of the corporation the sum or sums actually paid by him on said stock.

Annual meetings of stockholders.

Sec. 12. The board of directors shall by the by-laws fix the time of the annual meeting of the stockholders of this corporation, and how the said meeting shall be called, and also provide for special meetings, and at all general or special meetings the stockholders shall be represented in person or by proxy, and each share of stock shall be entitled to one vote.

Voting power.

Sec. 13. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 328.

AN ACT TO REPEAL CHAPTER 183, PRIVATE LAWS OF 1893, AND TO AMEND SECTION 7 OF CHAPTER 177 OF PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Chapter 183, Private Laws 1893, repealed.

Section 1. That chapter 183, Private Laws of 1893, be and the same is hereby repealed.

Chapter 177, Private Laws 1889, amended.

Rate of taxation changed.

Sec. 2. That section 7 of chapter 177, Private Laws of 1889, entitled "An act to incorporate the town of Dillsboro, in Jackson County," be and the same is hereby amended as follows: Strike out the words "fifty cents" in lines two and three of said section seven, and insert "two dollars and twenty-five cents," and in line four of said section strike out the words "sixteen and two-thirds" and insert "seventy-five."

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 329.

AN ACT TO INCORPORATE THE TOWN OF EDWARD, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Town of Edwards incorporated.

SECTION 1. That the town of Edward, in the county of Beaufort, be and the same is hereby incorporated under the name and style of "Edwards."

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at Mary's Run Bridge, running with Mary's Run to Durham's Creek, with Durham's Creek to Joseph Tuten's line, and with said line to the Beaufort and Pamlico Railroad to the run of Horse Pen Swamp, and said run to Edwards' Mill-pond, and with the same direction to the old Sand Hill road, and with said road to the beginning.

Town officers.

SEC. 3. That the officers of said town shall consist of a Mayor and four Commissioners, a Constable, a Treasurer and a Town Clerk.

Election of officers.

SEC. 4. That the officers of said town shall be elected on the first Monday in May, 1903, and biennially thereafter.

Officers named.

SEC. 5. That until such officers are elected as provided for in the preceding section, Dr. W. H. Dixon, R. F. Bennett, W. B. Rodditt, W. H. Boyd and John W. Warren are appointed Commissioners of said town, with power to appoint the other officers provided for herein, until their successors are elected as prescribed in section 4 of this act.

Taxation.

SEC. 6. That the said Board of Commissioners are hereby authorized and empowered to levy and collect a tax on both property and poll in said town sufficient to run the town government and keep up the streets of said town, with the exception of the county bridge across Durham's Creek in said town.

Exception as to county bridge.

Elections, how governed.

SEC. 7. That the elections hereinbefore provided for in section 4 shall be held under the laws for the election of city and State officers generally in the State.

Powers of commissioners.

SEC. 8. That the Commissioners of said town shall have power to make all necessary by-laws, rules, regulations and ordinances for the good government of said town, not inconsistent with the Constitution of the State of North Carolina and of the United States.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 330.

AN ACT TO AUTHORIZE THE TREASURER OF MECKLENBURG COUNTY TO PAY THE CLAIMS OF MISS ANNA. B. CARR AND OTHER SCHOOL-TEACHERS IN COUNTY OF MECKLENBURG.

The General Assembly of North Carolina do enact:

Payment of various school claims authorized.

Section 1. That the Treasurer of Mecklenburg County be and is hereby authorized to pay the following school claims, to-wit: To Miss Anna B. Carr the sum of seventy-eight dollars and four cents, balance due her as teacher of a public school in District Number Two (2), Charlotte Township, in said county, for the white race, for the year nineteen hundred and two, the same to be paid out of any school funds now in the hands or which may hereafter come into the hands of said Treasurer, belonging to said school district.

Sec. 2. To Robert H. Lafferty the sum of fifteen dollars and twenty-two cents, balance due him for services as a teacher of a public school in District Number Two (2), Dewese Township, in said county, for the white race, for the year nineteen hundred and two, the same to be paid out of any school funds now in the hands or which may hereafter come into the hands of said Treasurer, belonging to said school district.

Sec. 3. To J. C. Cochrane, assignee of C. L. Byers, the sum of seven dollars and fifty cents, balance due said Byers for services as a teacher of a public school in District Number Two (2), for the colored race, in Mallard Creek Township, for the year nineteen hundred and two; also to E. G. Henderson the sum of four dollars, balance due her for services as a teacher of a public school in District Number Five (5), colored race, in Mallard Creek Township, for the year nineteen hundred; also to W. N. Peoples two dollars and fifty cents, the price of a cord of wood furnished to the public school in District Number Two (2), for the white race, Charlotte Township, in the year nineteen hundred and two, all of said claims to be paid out of any school funds now in the hands or which may hereafter come into the hands of said Treasurer, belonging to the respective school districts named in this section: *Provided*, vouchers for all payments mentioned in this act shall be signed by a majority of the school committee for the respective districts and approved by County Superintendent of Education.

Vouchers.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 331.

AN ACT TO INCORPORATE THE BANK OF WARSAW, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That H. L. Stevens, Charles F. Carroll, W. R. Newbury, L. P. Best, H. F. Pierce, S. E. Hines, J. Walter Johnson, T. B. Pierce, L. A. Beasley, their present and future associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of the Bank of Warsaw, North Carolina, and shall so continue for the term of sixty years, with capacity to take, hold and convey real or personal estate, and with all the powers, rights and privileges granted to any bank or banking institution by this or any preceding Legislature of this State, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of chapter sixteen of The Code, entitled "Corporations."

Body politic.

Corporate name.

Term.

Powers.

The Code.

Capital stock.

Sec. 2. The capital stock of said corporation shall not be less than ten thousand ($10,000) dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect, to a sum not exceeding fifty thousand dollars.

Books of subscription.

Sec. 3. The corporators in the first section named, or a majority of them, are hereby authorized and empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the due organization of such bank, may at their discretion from time to time reopen books of subscription to said capital stock until the same be wholly taken.

Organization.

Sec. 4. Whenever ten thousand dollars shall be subscribed and five thousand dollars shall be paid into the capital stock of said bank, the before named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice-president to serve during their continuance in office.

Directors.

Officers.

Powers of president and directors.

Sec. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stocks and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the

General banking business.

State; and in general have the privileges conferred on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity. Lien on stock for debts of stockholders.

Sec. 6. The bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes or other evidence of debt, to lend money on such terms as may be agreed on, not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. Banking powers.

Sec. 7. If any subscriber shall fail to pay his stock or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recorded in the name of the bank, either by motion to the court of the county wherein the delinquent may reside, upon giving him ten days' notice of the motion, by civil action, or the entire stock may be sold by order of the directors for cash, at the banking house in Warsaw, after advertisement of sale for twenty days in a newspaper published in said city of Warsaw; and if at such sale the price should not be sufficient to discharge the amount paid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action. Sale of stock of delinquents. Procedure.

Sec. 8. If any subscriber shall assign his stock before the full payment, he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid, or by civil action, and in every case of a delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber. The stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. Assignee of unpaid stock, how liable, etc. Individual liability.

Sec. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; By-laws, rules, etc.

and they shall direct when dividends of profit shall be made. They may call a meeting of the stockholders whenever they think proper, and any number of stockholders holding together one-fifth of the stock may call a special meeting, on giving thirty days' notice in a newspaper published in Duplin County. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Meetings of stockholders.

Loans, etc.

Sec. 10. Said bank shall have power to make loans upon mortgages of real estate and personal property, with power of sale inserted upon default of payment, also to receive in storage or warehouse any cotton, wheat, corn [or] other produce, or any manufactured article whatsoever as a pledge or pledges for the re-payment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

Sec. 11. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

Chapter 332.

AN ACT TO INCORPORATE THE MERCHANTS RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Body politic.

Corporate name.

Term.

Powers.

Section 1. That R. L. Hardison, W. J. McLendon, Jr., James A. Leak, H. H. McLendon and W. P. Parsons, their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name and style of the Merchants Railway Company of Wadesboro, N. C., and by that name shall exist as a body corporate for a term of sixty years after the ratification of this act; shall sue and be sued in any of the courts of this State; have a common seal and alter the same; to make by-laws, rules and regulations, contract and be contracted with, hold, purchase or acquire by deed, gift, devise or otherwise, both real and personal property of every kind and nature; to sell or lease the same as the interests of said company may require, and may exercise and enjoy all the privileges and immunities, rights and powers and privileges not inconsistent with this act, that are enjoyed by corporations of like kind by the laws of this State.

Capital stock.

Shares.

Sec. 2. The capital stock of said corporation shall be twenty-five thousand ($25,000) dollars, divided into shares of the par value of one hundred ($100) dollars each, to be created by subscription, do-

nation or contribution by individuals, townships, municipal corporations or other companies or corporations; and said subscriptions may be paid in money, labor, land, material, stocks, bonds or other securities, as may be stipulated between said company and the subscribers. The capital stock of said corporation may be increased from time to time to such an amount as a majority of the stock then issued may by concurrence determine, to an amount not exceeding one hundred and twenty-five thousand ($125,000) dollars. Subscriptions. Increase of capital stock.

Sec. 3. That for the purpose of creating capital stock for said company, any three of the incorporators above named may open books of subscription to such capital stock at such times and places as they may appoint, and keep the same open for such time as they may determine, under such rules and regulations as a majority of all the incorporators may prescribe. Books of subscription.

Sec. 4. That when the sum of five thousand ($5,000) dollars shall have been subscribed to the capital stock of said company it shall be the duty of at least three of the incorporators above named to call a general meeting of the corporators and subscribers for stock in said company, of which meeting ten days' notice of the time and place thereof shall be given to each corporator and to each subscriber for stock; and if a majority of the stock then subscribed for shall be represented in person or by proxy at said meeting, such stockholders shall proceed to elect a board of directors, to consist of not less than five stockholders, which may be increased at any time to nine; and the said directors shall at said meeting elect one of their number president, and shall also elect such other officers as the by-laws may prescribe, and may do all other acts necessary to the complete organization of said company. In all meetings of stockholders each share of stock shall be entitled to one vote. Organization. Directors. Officers. Voting power.

Sec. 5. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable-posts, side-tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary, through, over and along the streets and avenues of the towns and villages of Wadesboro, South Wadesboro and Sikesville, and all other towns and villages in Anson County, and over and along the public highways connecting the town of Wadesboro with any other and all other towns and villages in said county of Anson, and to such points in the vicinity of Wadesboro and in said county as the board of directors may determine; to cross any track of any street-railway or railroad company now incorporated or that may hereafter be incorporated: *Provided*, that it conform to the grade of the track to be crossed, under such regulations as may be prescribed by the governing body of said town; to erect and equip such stations, warehouses, Power to build railroads. Routes. Proviso.

Erection of stations, warehouses, etc.

offices, power plant, shops and other buildings as its board of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the forms of electric current, hydraulic, pneumatic and steam pressure, and in any or all forms now or hereafter in use for driving or propelling machinery or cars or carriages; to charge and collect such sums of money for the carriage of passengers and the transportation of freight and property as the board of directors may reasonably fix as the fare or rate of transportation between given points: *Provided,* that its cars or carriages shall be operated over and along the streets and avenues of the town with electric power or such other power as may be approved by the governing body of said town: *Provided further,* that its line or lines of railway shall be constructed over and along streets within the corporate limits of the same by and with the consent of the Board of Aldermen, or by whatever name the governing body of said town or towns may be called, and over and along the public highways without said corporate limits, by and with the consent of the authority having lawful supervision and control of said public highways: *Provided,* that said company shall have two years from the ratification of this act to begin the work of constructing its line or lines of railway.

Freight and passengers.

Proviso.

Two years in which to begin work.

May furnish power, light and heat, etc.

Sec. 6. That said company is hereby given power and authority to make, transmit and furnish to individuals and corporations within the limits prescribed above, power, light and heat in the forms of electricity, gas or other forces, currents or fluids used for such purposes, to construct, maintain and operate a plant or plants in or near the town of Wadesboro for the purpose of generating, manufacturing and transmitting the same, and either above or under ground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may hereafter be used or devised for the transmission of power, light or heat; to transmit and distribute the same directly to consumers or users within said Anson County, or to a distributing point, and from said distributing point to consumers and users as aforesaid, and charge and collect such sums of money for same as may be agreed upon; to make, buy, deal in, furnish and supply and sell electricity, gas and any and all other kinds and forms of powers, forces, fluids, currents, matters and materials now used or which may be discovered, for the purposes of illumination, heat and power; to carry on any and all business in anywise connected with the manufacturing and generating, distributing and furnishing of electricity, gas and other fluids, forces, currents, matters and materials now used or which may be discovered for light, heat and power purposes, including the transaction of any and all business in which such are now or may hereafter be utilized, and all matters incidental or necessary to the use and distribution of light, heat and power; to manufacture and

repair, buy, sell and deal in any and all necessary machinery, apparatus and appliances used in or which may be required or deemed advisable for or in connection with the utilization of any and all forces, fluids and powers, or in anywise appertaining thereto or connected therewith; to own and operate within the towns and in the county aforesaid, cars and carriages with all such forces, fluids or powers, and without tracks, when found practicable; may establish lines of drays or wagons for the transportation of freight or property in said towns, and from one point to another in said county, and may haul passengers in any manner deemed advisable other than by railways or railroads; to own, build, construct and operate upon such terms as to renting as may be agreed upon and charged therefor, warehouses for the storage of cotton, corn, meal, wheat, flour and other produce or property of all kinds; may insure the same as warehousemen, and deliver the same by drays or wagons and prescribe such rates for storage and insurance as may be determined upon by the board of directors; to purchase, acquire, hold, improve and lease, operate and maintain water-powers, water rights and privileges; to supply water to persons, firms or corporations, towns and citizens for domestic or public purposes, for use as power and manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient; to purchase, acquire, rent, lease, own, hold, improve and develop real property in such quantities as may be deemed advisable and expedient; to build dwelling-houses, and to build, own and operate stores, mills, schools, factories, warehouses, and any and all structures desirable or convenient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plat any real property belonging to or acquired by the corporation into blocks, squares, lots, factory sites and other convenient forms, and to lay out, plat and dedicate to public use or otherwise thereto, avenues, alleys and parks.

May establish dray and wagon lines, etc.

May act as warehousemen.

May establish and operate waterworks, etc.

May improve real estate, erect buildings, etc.

Sec. 7. That said company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds bearing interest not exceeding six per centum per annum; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure said bonds and the interest on same by deed of trust or mortgage conveying its road-bed, property and franchises in whole or in part.

Power to borrow money, issue bonds, etc.

Sec. 8. That in order to carry into effect the purposes of this act said company shall survey such routes for its line or lines of railway, and for its ways and means for transmission and distribution of power, light and heat as may be deemed practicable, and for the transportation of freight and passengers; and if any lands of indi-

Condemnation of land.

vidual or corporations, or easement, privilege or right of way therein shall be found necessary for the construction and operation of said line or lines of railway, its branches and sidings and switches of standard width, and of its wires, cables, tubes, pipes and conduits for the purposes of transmission of its power, and if unable to agree with the owner or owners thereof upon the compensation therefor, the said company shall have the right to acquire title to the same or to an easement, privilege or right of way therein in the manner and by the special proceeding prescribed by chapter 49 of The Code of North Carolina, entitled "Railroads and Telegraph Companies," and the acts amendatory thereof.

The Code.

Penalty for defacing, etc., property of the corporation.

Sec. 9. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or appliances of any kind used in connection therewith, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the court.

Penalty for throwing stones, etc., at cars of said railway.

Sec. 10. That any person or persons who shall cast, throw, shoot, propel or project or in anywise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature at or against or into any car, carriage, coach or vehicle of said railway, whether the same be in motion or at rest, with intent to injure any such car, coach, carriage or vehicle or any person or persons therein or thereon, or the property of said company, shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court.

Powers of conductors, drivers, etc.

Sec. 11. That the conductors and drivers and other agents and servants of said company, while in the active service of said company or in the discharge of any duty connected therewith, are hereby authorized and vested with power and authority and privileges which belong to similar officers and agents of railroad companies in this State; and in addition to such general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, profane or disorderly person has been paid or not; and the said company shall not be liable or responsible in damages therefor, unless greater force is used than is necessary to eject such person.

Removal of disorderly, etc., persons, from conveyances of said railway.

Principal office.

Sec. 12. That the principal office of said company shall be in Wadesboro, N. C., but such other offices as may be desirable for the purposes of the corporation may be established at such places as the directors may designate and prescribe.

Individual liability.

Sec. 13. That the stockholders in said company shall not be individually or personally liable for any of the contracts, obligations, indebtedness, default or torts of the corporation, and no stockholder shall be liable for more stock that he has subscribed for.

Exercise of powers.

Sec. 14. That exclusive rights granted to other corporations shall not prevent the exercise of the powers granted in this act.

Sec. 15. That all laws and clauses of laws in conflict with this act, in so far as they affect the rights, powers, franchises and privileges granted herein, are hereby repealed. Conflicting laws repealed.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 333.

AN ACT ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF MISS MATTIE E. SALE OUT OF THE SCHOOL FUNDS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Wilkes County is hereby authorized and directed to pay Miss Mattie E. Sale the sum of nine dollars and forty-nine cents, balance due her as teacher of public school (white race), Argentine District, Antioch Township, Wilkes County, for the year 1894, out of any school funds now in his hands or may come into his hands: *Provided*, a voucher for the said amount is signed by the school committee, the County Superintendent and the County Board of Education. Payment of school claim authorized. Voucher.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 334.

AN ACT TO AMEND CHAPTER 430, PRIVATE LAWS 1901, AMENDING CHAPTER 101, PRIVATE LAWS 1887, AMENDING THE CHARTER OF THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That chapter 430, Private Laws 1901, amending chapter 101, Private Laws 1887, amending the charter of the town of Rockingham, be and the same is hereby amended by inserting in section one thereof between the word "of" in line four, and the words "per annum" in line five, the words "not less than five hundred dollars per annum nor more than one thousand dollars"; and between the words "per annum" and "for" in line five the words "the said amount to be determined by the said Commissioners." Former act amended in relation to liquor license.

And further amend by striking out in line five of said section the figures "$500."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 335.

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Aldermen to issue bonds.

Section 1. That the Board of Aldermen of the city of Washington be and they are hereby authorized and directed to issue coupon bonds not to exceed an amount in the sum of twenty-five thousand ($25,000) dollars, and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent. per annum and payable annually on the first day of January of each year until the said bonds are paid; but the said Board of Aldermen may by resolution agree to pay the interest upon said bonds semi-annually and at such dates as may be deemed advisable, if they desire to do so. That the principal [of] said bonds shall be made payable at a time to be fixed by the said Board of Aldermen and named therein, not to be less than twenty years nor more than fifty years from the date thereof: *Provided,* said board may divide said bonds into classes as they determine best, and have them mature at different dates between the limits aforesaid. That said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of the city of Washington and countersigned by the clerk of said board, and have the corporate seal affixed thereto, and the coupons thereto attached shall be signed by the Mayor of the city. That a record shall be kept of the said bonds, showing the numbers and denominations thereof and to whom sold, the dates of issuing them [there]of and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale thereof, the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the Board of Aldermen may direct to be kept. That said bonds when issued, and the interest accumulating thereon, shall be fully binding upon said city and its property, and shall show upon their face that they were issued for public school purposes.

Amount and denominations.

Interest.

Maturity.

Bonds and coupons to be numbered. How executed.

Record of bonds.

Binding force of bonds and interest. Face to show purpose of issue.

Sec. 2. That the said bonds hereby authorized to be issued shall be delivered to the Treasurer of the city of Washington, who is *ex officio* treasurer of the Board of School Trustees of the town of Washington, to be by him sold at not less than par and converted into money; and said sale shall be under the direction of [and] the proceeds thereof disposed of under the authority of the Board of School Trustees of the town of Washington; but the said Treasurer shall not deliver said bonds to the purchaser until the purchase money thereof shall be received by him. That the sureties upon the official bond of said Treasurer shall be liable to account for and pay over the same as provided by the laws relating [to] the Treasurer of the city of Washington; and it shall be the duty of the Board of Aldermen of said city to provide that the bonds of said Treasurer shall at all times be sufficient in amount and with satisfactory sureties, to provide against any loss of money arising from the sale of said bonds; and to that end may at any time require said Treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and [in] default thereof remove him from office as Treasurer; and they shall also fix the compensation of said trustees.

Sale of bonds, price, etc.

Delivery.

Liability of sureties on treasurer's bond.

Amount of treasurer's bond.

Compensation of trustees.

Sec. 3. That the Treasurer of the city of Washington shall keep separate from all public moneys coming into his hands the moneys arising from the sale of said bonds, and the same shall be expended by the Board of School Trustees of the town of Washington (the body corporate created by the General Assembly of North Carolina under chapter 409, Public Laws of 1899, entitled "An act to entitle [establish] graded schools in the town of Washington"), and said money shall be expended in the purchase of one or more lots or parcels of land in the city of Washington and in the erection of a suitable building or buildings and in furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the city of Washington, and for such other purposes as the said school committee may order the same to be disbursed.

Proceeds from sale of bonds, how kept and expended.

Sec. 4. That said bonds shall not be issued nor the taxes herein authorized levied until authorized by a majority of the qualified voters of the city of Washington at a public election to be held in said city at such a time as the Board of Aldermen may designate, within ninety days after the ratification of this act; that said election shall be advertised by the said Board of Aldermen for thirty days prior to the election in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and poll holders or judges of election appointed by the said Board of Aldermen, and the return of the result of said election shall be made and certified by the said election officers to the Board of Aldermen of said city, and the result thereof shall be canvassed by

Bonds not to issue until authorized by majority of qualified voters.

Provisions for election on question of bond issue.

the said Board of Aldermen and the result duly declared. That there shall be a new registration of the voters of the city of Washington for the purpose of this election, unless a new registration shall be ordered for the regular municipal election of 1903, in which event such new registration shall be deemed sufficient. That at the said election those who are in favor of issuing said bonds and levying the taxes herein provided for shall vote ballots with the words "For School Building," and those opposed to issuing said bonds shall vote ballots with the words "Against School Building" written or printed thereon. That when the result of said election shall be canvassed and declared as aforesaid, that the same shall be certified by the Mayor and the clerk of the said Board of Aldermen, under the corporate seal, to the Secretary of State, which said certificate shall be received and filed by the Secretary of State in his office. That if at said election a majority of the qualified voters shall cast their ballots "For School Building," then the said Board of Aldermen shall proceed at once to issue and deliver said bonds as above provided, or so many thereof as in the judgment and discretion of the said Board of School Trustees of said city shall be necessary for the purposes aforesaid. That if at said election the majority of the qualified voters of said city shall not vote in four [favor] of issuing said bonds, then the Mayor and Board of Aldermen shall, upon the petition of one-fourth of the qualified voters of said city, order an election to be held on the first Monday in May, 1904, under the same rules and regulations as herein prescribed or prescribed by law for the election of Mayor and Aldermen of said city, and after thirty days' public notice thereof, and at such election the ballots shall [be counted] as hereinbefore provided, and if at such election a majority of the qualified voters of said town shall vote in favor of issuing said bonds as aforesaid, and the result be declared as aforesaid, then the said bonds shall be issued by the said Mayor and Board of Aldermen as herein provided, to be applied in the manner and for the purpose hereinbefore provided.

Declaring and certifying result.

If election favorable board to immediately issue bonds.

Provisions for subsequent elections, declaring result, issue of bonds, etc.

Sec. 5. That in order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the Board of Aldermen of the city of Washington shall levy and collect a special tax not exceeding ten cents on every one hundred dollars worth of taxable property and not exceeding thirty cents on every taxable poll in the said city, and such other special taxes upon all subjects of taxation which are now or may hereinoften [after] be embraced in the subjects of taxation under the charter of said city as may be necessary for that purpose, observing the equation of taxation between property and the polls fixed by law; and the money paid in the city treasury received from the taxes levied under this act shall be appropriated for the payment of said bonds and interest coupons, and for no other purpose whatsoever:

Provisions for levy, collection and amount of special tax.

For what purpose special tax used.

Provided, all the moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed, may then be transferred by order of said Board of School Trustees to the general fund of said city of Washington. That the said taxes shall be collected in like manner as the other taxes of said city. That the bonds authorized to be issued by this act, and their coupons, shall not be subject to taxation by the said city until after they shall have become due and tender of payment made; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named he shall not be entitled to any interest thereon for the time they had been outstanding after maturity.

Disposal of any surplus funds after bonds and coupons redeemed.

Bonds and coupons not subject to city taxation.

Interest after maturity; when holder not entitled to.

Sec. 6. The Board of Aldermen of the city of Washington may, if in their judgment at any time they deem it advisable to do so, appoint any individual or banking or trust company as trustee, whose duty it shall be to receive from the Tax Collector of the city of Washington all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity; and the said Board of Aldermen may prescribe the duty of said trustees, fix the amount of compensation and the bond for the faithful performance of the duty of the said trustee. It shall be the duty of the said trustee to pay the interest on said bonds as the coupons become due and to invest the surplus money coming into his hands upon real estate situated in the city of Washington or any securities, for purpose of creating a sinking fund for the payment of the principal of said bonds: *Provided*, that the said Board of Aldermen may provide that no such investment or loan shall be made without their consent and approval.

Power of aldermen to appoint trustee to hold special tax money.

Duty and compensation.

Duties of trustee.

Investment of sinking fund.

Sec. 7. It shall be competent for the Board of Aldermen to issue said bonds in manner and form as to payment of principal and interest similar to the bonds provided for in an act of the General Assembly ratified February 9th, 1903, entitled "An act to authorize the Board of Commissioners of the town of Washington to issue bonds, pay existing indebtedness," as amended by and incorporated in an act ratified at session of General Assembly of 1903, entitled "An act to incorporate the city of Washington," and all the provisions of said acts shall be applicable to the bonds herein authorized. In case a majority of the qualified voters shall cast their votes "For School Building," as provided in section 4 of this act, it shall be deemed and taken to be an authorization for the Board of Aldermen to issue said bonds or the bonds described in the previous sections of this act, as said board shall deem best for the interest of the city.

Manner and form of issue.

Provisions of "Act to incorporate the City of Washington" applicable to bonds.

If majority of qualified voters vote "For School Building" Aldermen to issue bonds.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

Chapter 336.

AN ACT TO INCORPORATE THE RALEIGH LIGHT AND TRACTION COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That A. A. Thompson, Julius Lewis, V. E. Turner, A. B. Andrews, W. J. Andrews, R. T. Gray of Raleigh, N. C., John H. McAden of Charlotte, N. C., J. S. Carr of Durham, N. C., and J. H. Cutler of Boston, Mass., and their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of the Raleigh Light and Traction Company, and by that name shall exist for sixty years, and have the right to sue and be sued, to contract and be contracted with, to have and use a common seal, to purchase or acquire by gift, real and personal property, and to hold, lease, sell or mortgage the same as the interest of the company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other street-railway or railroad company, gas, electric lighting, power or water-works company under the laws of the State of North Carolina.

Corporate name and existence. Corporate powers and rights.

Capital stock.

Shares.

How created.

In what subscriptions made.

Sec. 2. That the capital stock of said company shall be two hundred thousand dollars, divided into shares of $100 each, to be created by subscription, contribution or donation by individuals, townships, municipal or other corporations; and such subscriptions or donations may be made or paid in money, labor, land, materials, stocks, bonds or other securities, as may be stipulated between the company and the subscribers or donors; and said company is authorized to secure an increase, or any other amendment of its charter, in the office of the Secretary of State, by complying with sections 29 and 96 of chapter 2 of the Public Laws of 1901. By and with the concurrence or assent of two-thirds in value of all the stockholders of said company, preferred stock may be created and issued with such designations, preferences, terms and date of redemption and voting powers or restriction or qualification thereof as shall be stated and expressed in the resolution or resolutions of the stockholders, authorizing or directing the creation and issuance of such stock: *Provided,* that the aggregate of the common or ordinary shares of capital stock and of such preferred stock shall not exceed one million dollars: And *provided further,* that the total amount of the preferred stock created or issued shall not exceed one-third of the actual capital paid in cash or property.

Increase or amendment.

Preferred stock—creation, issue, etc.

Maximum aggregate of stock.

Maximum of preferred.

Books of subscription.

Sec. 3. That for the purpose of creating or raising the capital stock for said company, any three of the corporators above named may open books of subscription to such capital stock at such time or times and place or places as they may appoint, and may keep

the same open for such time as they may determine, under such rules and regulations as a majority of all the corporators may prescribe.

When first general meeting called.

Sec. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of at least three of the corporators above named to call a general meeting of the corporators and subscribers for stock of said company, of which meeting ten days' notice of the time and place thereof shall be given to each corporator and each subscriber for stock, and if a majority of stock then subscribed for shall be represented in person or by proxy at said meeting, such stockholders shall proceed to elect a board of directors, to consist of five stockholders, which may at any time be increased to any number, not exceeding nine, in whom shall be vested and who may exercise all the corporate powers of the corporation; and the said directors shall thereupon at said meeting or thereafter, proceed to elect one of their number president, and shall also elect such other officers as the by-laws, which shall be adopted at said first meeting, may prescribe, and may do and perform all other acts necessary to the complete organization of said company. In all its meetings of stockholders each share of stock shall be entitled to one vote.

Notice.

Election of board of directors.

Election of president and other officers.

Completion of organization.

Voting power.

Powers to construct and operate electric railways and where may be located, etc.

Sec. 5. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway for the transportation of passengers and freight, with one or more tracks, and with such cars, trolley wires, cable-posts, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary, through, along and over the streets and avenues of the city of Raleigh and of the towns and villages within a radius of fifty miles from the centre of said city, and over and along the public highways and avenues connecting said city with said towns and villages, and any of said towns and villages with each other, and to such points in the vicinity thereof and within the radius aforesaid as the said company, by its board of directors, may determine; to cross any track of any street-railway or railroad company now incorporated or hereafter to be incorporated; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as its said board of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure or power, and in any and all forms now or hereafter in use for driving machinery and for propelling cars or carriages; to charge and collect such sums of money for the carriage of passengers and transportation of property as the board of directors may reasonably fix as the fare or rate of transportation between given points: *Provided*, that its line or lines of railway shall be constructed over and along streets within the corporate

Right to acquire, develope, use, transmit, etc., power.

Fares and tolls.

Consent of aldermen to use streets necessary, also of proper authorities to use public highways, etc.

limits of said city and towns by and with the consent of the Boards of Aldermen or governing board of said city and towns, and over and along the public highways and avenues without said corporate limits by and with the consent of the authorities having lawful supervision and control of said public highways and avenues.

Powers to transmit power, light and heat within radius of fifty miles of Raleigh, to manufacture the same and to manufacture and deal in all apparatus appurtenant thereto.

Sec. 6. That said company is hereby given power and authority also to make, transmit and furnish to individuals and corporations within said city and within a radius of fifty miles from the centre of said city of Raleigh, power, light and heat in the form of electricity, gas or other forces, currents or fluids used for such purposes; to construct, maintain and operate a plant or plants in or near the city of Raleigh, or at some initial point or points with[in] a radius of fifty miles from the centre of said city, for the purposes of generating, manufacturing and transmitting the same, either above or underground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may be devised for transmission of power, light and heat, to transmit and distribute the same directly to consumers or users within the radius aforesaid, or to a distributing point or points therein, and from such distributing point or points to consumers and users as aforesaid; to make, buy, deal in, furnish, supply and sell electricity, gas and any and all other kinds of powers, forces, fluids, currents, matters and materials now used or which may be discovered for the purposes of illumination, heat and power; to carry on any and all business in anywise connected with the manufacturing and generating, distributing and furnishing of electricity, gas and any other fluids, forces, currents, matters and materials now used or which may be discovered for light, heat and power purposes, including the transaction of any and all business in which such are now or hereafter may be utilized, and all matters incidental or necessary to the use and distribution of light, heat and power; to manufacture and repair, buy, sell and deal in any and all necessary machinery, apparatus and appliances used in or which may be required or deemed advisable for or in connection with the utilization of any and all such forces, fluids and powers, or in anywise appertaining thereto or connected therewith; to own and operate within the radius aforesaid cars and carriages, with all such forces, fluids or powers, and without tracks, when found practicable; to purchase, acquire, hold,

Water powers, water supply for corporations, cities, towns, etc.

improve, lease, operate and maintain water-powers, water rights and privileges; to supply water to persons, corporations, towns and cities for domestic or public purposes for use as power and for manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient; to construct, build, purchase, buy, hold, lease, maintain and operate ice-manufacturing and cold-storage plants; and to construct, build, purchase,

Telegraph and telephone lines.

buy, hold, lease, maintain and operate telegraph and telephone lines

whenever it may be deemed expedient, and to charge, receive and collect such charge and rates for the use of such lines and for the transmission of messages thereon as may be deemed advisable or expedient; to lease any part or all of its track, franchises or other property to any other company or companies, and to lease or purchase, hold, exercise, maintain and operate any part or all of any other railroad, lighting, heating, water-works or power company or its franchises, in whole or in part, upon such terms and conditions as may be agreed upon between said companies respectively; to enter into any operating or traffic contract or any contract in the nature of a lease, with any company or corporation, and to transfer and convey to such company or corporation the operation of the roads, lines, or any portions thereof, or of the property of this company; to purchase, acquire, rent, lease, own, hold, improve and develop real properties in such quantities as may be deemed expedient; to build dwelling-houses, and to build, own and operate stores, mills, schools, factories, warehouses and any and all other structures desirable or convenient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plan, as may be desirable or convenient; to lay out and plat any real property belonging or acquired by the corporation, into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plat and dedicate to public use or otherwise, streets, avenues, alleys and parks, and to buy the stocks and bonds of or to consolidate with other companies.

Powers as to other corporations.

Power to acquire and develope real estate, build dwellings, schools, manufacturing plants, etc., and dispose of same.

Sec. 7. That this company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds, bearing interest not exceeding six per centum per annum; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable; and to secure the said bonds and interest thereon by deed of trust or mortgage, conveying its road-bed, property and franchises in whole or in part.

Power to borrow money and secure the same.

Sec. 8. That in order to carry into effect the purposes of this act, said company may survey such routes for its line or lines of railway and for its ways and means of transmission and distribution of power, light and heat and water as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege or right of way therein shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings of the standard width, and of its wires, cables, tubes, pipes and conduits for the purposes of transmission of power, light, heat and water, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same or to an easement, privilege or right of way therein, in the manner and by the special proceedings

Power to survey routes for its various purposes.

Power to condemn lands.

prescribed by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies": *Provided, however,* that said company shall not have the power under this act to condemn for its use any of the tracks of the Raleigh Electric Company.

Exception.

How much land, etc., may be condemned.

Sec. 9. The right of said company to condemn land in the manner aforesaid shall extend to the condemning of strips of land not exceeding sixty-six feet in width, with necessary additional width in deep cuts and fillings required by the said company for its power, transmission lines and tracks, and of all other lands necessary for the construction and operation of its other works, as well as all necessary water, including in the land and water thus described water-powers, water privileges and land overflowed or submerged with water accumulated by the company's dams.

Casting missiles against car, etc., of said company a misdemeanor.

Sec. 10. That any person or persons who shall cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature, at, against or into any car, carriage, coach or train of the said railway, whether the same be in motion or at rest, with intent to injure any such car, carriage or coach, or any person or persons therein or thereon, or any of the property of said company, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court.

Penalty.

Injuring or obstructing railway or property a misdemeanor.

Sec. 11. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court.

Penalty.

Employers of company to have same power as similar employees of railroad companies.

Sec. 12. That the conductors and drivers and other agents and servants of said company, while in the active service of said company, or the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State; and in addition to general powers conferred upon such agents and officers they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars or premises of said company at any time, whether the fare of said drunken, disorderly or profane persons has been paid or not; and the said company shall not be liable civilly or criminally therefor, unless greater force than is necessary be used to eject such persons.

May eject certain persons from conveyances or premises.

When liable therefor.

Liability of stockholders.

Sec. 13. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or torts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for.

Principal and branch offices.

Sec. 14. That the principal office of said corporation shall be at Raleigh, N. C., and such branch offices as may be desirable for the

purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe.

Sec. 15. That the exclusive rights granted to other corporations shall not prevent the exercise of the powers granted in this act: *Provided, however,* that nothing herein contained shall authorize the company hereby created to run its line or lines of railway along those streets in the said city of Raleigh which are now occupied and used by the Raleigh Electric Company, except for purposes of crossing in such manner as may be prescribed by the Board of Aldermen of said city, unless with the consent or by acquiring the franchise of the Raleigh Electric Company.

Right to exercise powers herein granted.

Proviso as to property of Raleigh Electric Company.

Sec. 16. This act shall be deemed and taken to be a public act, and a copy of any by-law or regulation of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Public act.

By-law or regulation under corporate seal, signed by president, prima facie evidence.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

Chapter 337.

AN ACT TO INCORPORATE THE AUDUBON SOCIETY OF NORTH CAROLINA AND TO PROVIDE FOR THE PRESERVATION OF THE SONG AND GAME BIRDS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That J. Y. Joyner, T. Gilbert Pearson, R. H. Lewis, A. H. Boyden, H. H. Brimley, P. D. Gold, Jr., J. F. Jordan and R. N. Wilson be and they are hereby created a body politic and corporate under the name and style of the Audubon Society of North Carolina, and by that name and style they and their associates and successors shall remain and have perpetual succession, with power to take and hold, either by gift, grant, purchase, devise, bequest or otherwise, any real or personal estate, not exceeding fifty thousand dollars in value, for the general use and advancement of the purposes of the said corporation, or for any special purpose, consistent with the charter; and such property shall be exempt from taxation; to make rules and by-laws, not inconsistent with the laws of this State, for its government, for the due and orderly conduct of its affairs and for the execution of the powers herein conferred, and to change the same from time to time; to have and to use a common seal, and to change the same at pleasure; and

Corporators.

Corporate name.

Perpetual succession.

Power to take and hold property.

Value.

Purposes for which held.

Exempt from taxation.

By-laws.

Corporate powers.

to do and perform all such acts and things as are or may become necessary for the advancement and furtherance of said corporation as fully and completely as a natural person might or could do.

Officers.

Sec. 2. That the officers of said corporation shall be a president, vice-president, secretary and treasurer, and such other officers as may be fixed by the by-laws.

Objects for which corporation formed. (Protection of birds and game).

Sec. 3. The objects for which this corporation is formed are to promote among the citizens of North Carolina a better appreciation of the value of song and insectivorous birds to man and the State; to encourage parents and teachers to give instruction to children on the subject; to stimulate public sentiment against the destruction of wild birds and their eggs; to secure the enactment and enforcement of proper and necessary laws for the protection and preservation of birds and game of the State; to provide for the naming of special officers and investing them with necessary power, who shall work under the direction and control of the Audubon Society of North Carolina, looking to the rigid enforcement of the present game and bird protective laws and such other laws as are herein and may be hereafter of like nature enacted; to distribute literature bearing on these topics among the members of the Society and other persons, and to raise and provide funds for defraying the necessary expenses of the Society in the accomplishment of the purposes herein named.

Unlawful to kill, catch, or dispose of wild bird except game bird except as herein permitted.

Sec. 4. That from and after the passage of this act it shall be unlawful for any person in the State of North Carolina to kill or catch any wild bird other than a game bird, or to purchase, offer or expose for sale, transport or ship without the State any such wild bird after it has been killed or caught, except as permitted by this act. For the purpose of this act the following only shall be considered game birds: Loons and grebes, swans, geese, brant, river, fish and sea-ducks, rails, coots, marsh-hens and gallinules, plovers, shore and surf birds, snipe, woodcock, sand pipers, yellow legs, chewink or tohee and curlews, and the wild turkey, grouse, partridge, pheasant, quail, dove, robin and meadow lark.

Those which are considered game birds.

Unlawful to destroy nests of non-game birds.

(a) It shall be unlawful for any person within the State of North Carolina to take or needlessly destroy the nests or eggs of any wild non-game birds, except as permitted by this act.

Certain birds not protected by this act.

(b) The English, European or house-sparrow, owls, hawks, crows, black-birds, jackdaws and rice-birds are not included among the birds protected by this act.

Violation of any of this section a misdemeanor.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction, be fined one dollar for each egg, nest or bird killed or taken by him, or shall be imprisoned not less than five days and not more than thirty days for each offense: *Provided*, that the provisions of this section shall not apply to any persons holding a certificate giving

Penalties.

the right to take birds, their nests or eggs for scientific purposes, as provided for in section 5 of this act. Exception.

Sec. 5. Certificates may be granted by the Audubon Society of North Carolina to any properly accredited persons of the age of twelve years and upward, permitting the holder thereof to collect birds, their nests or eggs for strictly scientific purposes only; said certificate shall be in force only during the calendar year in which issued, and shall not be transferable. In order to obtain such certificates the applicant for same must present to the persons having authority to grant such certificates written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege, and must pay the said Society one dollar to defray the necessary expenses attending the granting of such a certificate. On satisfactory proof that the holder of such a certificate has killed any bird or taken the nests or eggs of any birds other than for scientific purposes, his certificate shall become void, and he shall be further subject for each offense to the penalty provided in this act for such violation of the law. Certificates permitting collection of birds and eggs for scientific purposes. Fee for certificate. When certificate shall become void.

Sec. 6. Nothing in this act shall prevent the keeping of any wild non-game bird in a cage as a domestic pet. Keeping non-game birds as pets.

Sec. 7. No person or corporation shall knowingly receive for transportation, or shall transport or cause to be transported, or have in his or her possession with the intent to transport, or to secure the transportation of beyond the limits of this State, except for purposes of propagation under permits issued by the Audubon Society of North Carolina, any of the partridges, pheasants, quails or wild turkeys, snipe or woodcock, or non-game birds referred to in this act which have been killed or captured within this State; and each bird so killed or taken or had in possession, received for transportation or transported contrary to the provisions of this act shall constitute a separate offense. The reception by any person or corporation within this State of any such birds or game for shipment to a point beyond the limits of this State shall be *prima facie* evidence that said birds or game were killed within the State for the purpose of conveying same beyond its limits; but the provisions of this section shall not apply to the common carriers into whose possession any of the birds mentioned in this section shall come in the regular course of their business for transportation while they are in transit through the State from any place without the State: *Provided*, that nothing herein shall prohibit persons from having in their possession, for the purpose of domestication and propagation, any of the birds or animals referred to in this section. Transportation of or intent to transport birds beyond State limits unlawful except under permit. Prima facie evidence. Application to common carriers transporting birds through State. Not applicable where intent is to domesticate or propagate.

Sec. 8. It shall be unlawful for any person or corporation within the State to deliver or to knowingly receive for transportation any package, box or other receptacle containing birds or game unless Requirements for receiving package containing birds or game.

Unlawful to receive otherwise or to falsely label.

the same shall be labeled on the address side in plain letters with the name and address of the owner and consignor, and with the kind or kinds of birds which the said package, box or other receptacle contains, or to falsely label the same.

Misdemeanor to violate any provision of act.

Penalty.

Sec. 9. That all persons or corporations violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court, except where punishment is herein otherwise provided.

Non-resident hunters must obtain hunter's license. Provisions therefor.

Sec. 10. On or after September 1, 1903, a person who is a non-resident of the State of North Carolina who desires to hunt in any part of the said State shall make application for hunter's license to the Clerk of the Superior Court of any county in the State, and for such license he shall pay ten dollars; in addition thereto the Clerk of the Court may charge the applicant a fee of twenty-five cents for his services. Such license shall expire on the termination of the hunting season, as fixed by the law in the several counties. The forms of license herein required shall be prepared by the Audubon Society of North Carolina, and shall entitle the holder thereof to hunt anywhere in the State except upon private property, without written consent of the owner, which license shall be issued by the Clerks of the Superior Courts. The said Society shall furnish all licenses and other blanks required under the provisions of this section to the several Clerks of the Superior Courts of the counties of the State. And the said Society may revoke the license of a non-resident upon satisfactory proof that such person has hunted in violation of the law, and no license shall be granted to a person whose license has been revoked for a period of one year thereafter. The Clerks of the Superior Courts shall keep a record of each license issued, in a book furnished him by the Audubon Society, and shall make a report to the Audubon Society on the first day of December in each year and at the close of the hunting season in their respective counties on forms provided by said Audubon Society, and shall transmit at the same time all money received for such license to the Treasurer of the State, to constitute a fund known as the "Bird and Game Fund," which shall be paid out upon the order and vouchers of the treasurer of the Audubon Society, [who] shall make an annual report to the Governor of North Carolina, showing the receipts and expenditures of the Society for the year. Such non-resident person shall carry with him his license, and shall, upon demand, exhibit it to any warden or police officer, and a refusal to so exhibit his license shall constitute an offense under this section. The record of license kept by the Clerks of the Superior Courts shall be open at all reasonable hours to the inspection of any person. Each day that any non-resident shall hunt within the State without his having procured the required license shall constitute a separate offense.

Revocation of non-resident's license.

Clerk to keep record and report.

Clerks to transmit license money to State Treasurer.

How paid out.

Annual report of treasurer of society to Governor.

Non-resident hunters to carry and exhibit license to officer when demanded.

Refusal unlawful.

Clerk's record of license open to inspection.

Hunting without license, separate offense each day.

Sec. 11. Any person holding a hunter's license to hunt in North Carolina shall be permitted to take out of the State fifty partridges or quail in a season. Number of quail hunter permitted to carry out of State.

Sec. 12. The Governor of the State shall, upon the passage of this act, upon the recommendation of the Audubon Society of North Carolina, appoint from time to time bird and game wardens, and the treasurer of the Society, whose terms of office, unless otherwise provided for, shall be during good behavior or until their successors are appointed. The Governor shall issue to the treasurer of the Audubon Society, and to each person appointed as warden, a commission, and shall transmit such commission to the Clerk's office of the Superior Court for the county from which the prospective treasurer or bird and game warden is appointed; and no tax or fee shall be charged or collected for said commission. Any of the said wardens may be removed by the Governor upon proof satisfactory to him that they are not fit persons for said position. The compensation of said wardens shall be fixed and paid by the said Society. Appointment of game wardens and treasurer. Terms of office. Commissions. Removal of wardens. Compensation.

Sec. 13. Said wardens, when so qualified and appointed or authorized, upon affidavit before a justice of the peace or any court of the State that there exists reasonable grounds to believe that any game in violation of the law is in the possession of any common carrier, to procure a search warrant and to open and enter and examine all cars, warehouses and receptacles of common carriers in the State, when he has reason to believe any taken [or] held in violation of this act is to be found, and to seize the same. It shall be the duty of said game and bird warden to prosecute all persons or corporations having in their possession any bird or game contrary to the bird and game laws of this State. It shall be their duty to see that the bird and game laws are enforced and to obtain information as to all violation of said bird and game laws: *Provided*, that in Currituck County it shall be the duty of said wardens to also see to the enforcement of all laws relating to fishing in said county. Provisions to procure search warrant to hunt for game and seize the same. Duty of wardens to prosecute. Duties of wardens. Special application to Currituck county.

Sec. 14. Any bird or animal caught, taken or killed, shipped, or received for shipment, had in possession or under control by any person or corporation contrary to the provisions of law, which may come into the possession of the bird and game warden, shall be sold at auction within this State, and the bird and game warden disposing of the same shall issue a certificate to the purchaser certifying that the said birds or animals were legally obtained and possessed, and any one so acquiring said bird or animals within this State can have the right to use them as if the same had been sold, killed or possessed in accordance with the laws of this State. The money received from the sale of such confiscated birds or game shall be forwarded by the game warden to the Treasurer of the State and be placed to the account of the "Bird and Game Fund." Disposal of birds or animals seized for violation of law. Disposal of money received from sale of confiscated birds or game.

Oath of office of wardens.

Sec. 15. Every warden so appointed shall, before entering upon the duties of his office, take and subscribe before the Clerks of the Superior Courts of their several counties an oath to perform the duties of said office, together with the other oath prescribed for police officers, and execute a bond in the sum of one hundred dollars for the faithful discharge of his duties, and the said oath and bond shall be recorded by the Clerk in his office, and the wardens so qualified shall possess and exercise all the powers and authority held and exercised by the Constable at common law and under statutes of this State. The Clerk shall not charge more than fifty cents for taking and recording said oath. The bird and game wardens, when acting in their official capacity, shall wear in plain view a metallic shield with the words "Bird and Game Warden" inscribed thereon.

Bond; record of oath and bond.

Powers and authority of wardens.

Clerk's fee.

Wardens to wear metallic shield.

Control and direction of wardens.

Sec. 16. The bird and game wardens, when appointed and qualified, shall work and be under the control and direction of the Audubon Society of North Carolina, and from time to time make such report to the Society as it may require.

Reports to society.

This act not to interfere with game laws of different counties nor private laws in force.

Sec. 17. This act does not permit any person or persons under the license herein provided for to hunt in any county in the State at any time or in any other manner than is now provided for or may hereafter be provided for by law in said counties; and this act does not have the effect of repealing any private laws now in force in the State: *Provided*, this act shall not in any way repeal section 2840 of The Code, so far as it applied to Currituck County.

Conflicting laws repealed.

Sec. 18. That all laws and clauses of laws in conflict with the provisions of tihs act are hereby repealed.

Sec. 19. This act shall be in force after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

Chapter 338.

AN ACT TO INCORPORATE THE BANK OF HARNETT.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That B. N. Duke, W. A. Erwin, G. W. Watts and E. F. Young, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate,

Corporate name.

under the name, style and title of "Bank of Harnett," and by that

Corporate powers.

name shall be able and capable in law to have and use a common

Power to hold, use, improve and dispose of property.

seal, and the same break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain, to them and their successors, lands, rents, tenements,

hereditaments, stock, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of, for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said bank by its by-laws and regulations shall direct; and shall and may apply the rents, issues, income, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of their creation and institution, according to the rules, regulations and orders of the bank, as fully and effectually as any natural person or body politic or corporate within this State can or may do or perform. The said bank shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for the government of such corporation, not being contrary to the Constitution and laws of this State or of the United States, and generally to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

By-laws, ordinances and regulations.

Corporate powers.

Sec. 2. That said corporation shall have the right to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert* or other persons, on such terms and time and manner of collection and payment as may be prescribed by this charter or by the by-laws, or as may be agreed on by the parties; and for the use and loan of money may charge not exceeding the legal rate of interest, may take and receive said interest at the time of making said loan or otherwise, free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other State or Territory or of the United States, or of any corporation organized under the laws of this or any other State or Territory or of the United States, and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; to elect such officers as they see fit, and prescribe their duties, compensation and terms of service.

Power to do general banking business.

Power to elect officers.

Sec. 3. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate,

Provisions for keeping money and valuables on deposit.

certificates of stock, bonds, notes, evidences of debt, deeds, muniments of title or any other valuable papers of any kind, or any other article or thing whatsoever which may be left or deposited for safe-keeping with said bank, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe-keeping therefor many construct, erect and purchase such fire and burglar-proof building, vaults, iron or composition safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping and preservation of all such articles or valuables as may be deposited with said bank; and also to invest the capital or fund as may be deposited with said bank for that purpose, from time to time, in such stocks, bonds and securities as may be regarded advantageous and desirable; they shall have power to receive and hold on deposit and in trust, and as security, estate, real, personal or mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

Power to invest capital or fund placed on deposit.

Power to hold on deposit, in trust and as security all kinds of property and dispose of the same.

Power to act as trustee and provisions for same.

Sec. 4. That said corporation shall have power and authority to accept and execute trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, corporations, or by any court in this or any other State or Territory or of the United States, and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases. And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of Clerk of the Superior Court of Harnett County an undertaking in the sum of ten thousand dollars, with sufficient security, either personal sureties or bonds of the State of North Carolina or of the United States or of any county or city of the State of North Carolina, or any other security satisfactory to said Clerk, and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation by order of any court of said State; and it shall be renewed every three years. In case of default in the performance of any trust so committed to said corporation the said undertaking may be sued upon by or for the party injured, or his personal representative, in the Superior Court of any county in said State where such default shall have been made. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Harnett County under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to

appear that it is necessary, in order to secure the faithful performance of all said trusts, he may require that said undertaking be increased to such amount as he may deem sufficient, not exceeding the sum of fifty thousand dollars; and the Superior Court of any county wherein any such trust shall have been committed to said corporation shall have the power to make orders respecting such trusts, and to require it to render all accounts which said court might lawfully make or require if such corporation was a natural person. And in accepting any trusts or powers hereunder said corporation may qualify by one of its executive officers.

Personal representatives, trustees or officers allowed to deposit valuable papers, money or valuables with bank.

Sec. 5. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said bank.

Principal office.

Sec. 6. That the principal office and place of business of said corporation shall be at Duke, in Harnett County, North Carolina.

Capital stock.

Shares.

Increase of capital stock.

Sec. 7. That the capital stock of said corporation shall be ten thousand dollars, divided into one hundred shares of the par value of one hundred dollars each, which said capital stock may be increased at any time or from time to time, by the vote of a majority of the stockholders, to any sum not finally exceeding one hundred and twenty-five thousand dollars. When five thousand of the capital stock is subscribed and paid for, the corporators named herein, or a majority of them, or their assigns, shall be deemed and held ready and capable to organize and to begin business.

When corporators may organize.

Guarantee powers.

Sec. 8. That said corporation shall have and is hereby granted power and authority to guarantee the payment of principal or interest of notes, bonds, bills of exchange, acceptances, checks and other securities or evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation, and to charge and to receive for any guaranty such compensation as may be agreed on by the parties, and may take and receive interest as high as six per centum per annum, and may receive the said interest at the time of making said transaction, or at any other time.

Savings department.

Sec. 9. All deposits of money in the savings department of this bank shall be entered into the books of the corporation, and a book shall be given to each depositor in which the sum deposited shall be entered, and which shall be the voucher or evidence of the property of the depositor in the hands of the bank. On making his first deposit the depositor shall be required to subscribe his or her name to the regulations and laws of the bank, and such signature shall conclusively signify his assent thereto.

Deposits of minors and femes covert.

Sec. 10. Whenever any deposit shall be made by or in the name of any person being a minor or a female, being or thereafter becom-

ing a married woman, the same shall be held for the exclusive benefit of such depositor and free from all control or lien of any persons except creditors, and shall be paid, together with interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the bank, in the event of the death of the trustee the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made.

Deposit of trustee: disposal of on death of trustee.

Right of bank to demand indemnity bond of depositor in certain cases.

Sec. 11. In case the pass-book of a depositor is lost, or the officers of the bank shall doubt the identity of any person claiming a deposit, or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and demand an adequate bond of indemnity against any other claim or demand before paying such deposit or any part of it. But no assignment or transfer of a pass-book and deposit shall be binding on said bank, or have any legal force or effect unless said bank assent in writing to such transfer or assignment.

Binding force of transfer of pass book.

Interest on time deposits.

Sec. 12. The bank shall pay to its depositors who allow their deposits to remain four months or more, such rate of interest as the directors may agree upon, said interest to be computed annually and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier, in which case, if it has been in the bank's hands four months or longer, interest shall be computed and paid up to date of withdrawal; but it shall be in the power of the directors to alter this section at their will, so as to reduce or increase the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of interest to deposit monthly, quarterly or semi-annually, as they see fit, and as often as they please.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 339.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Section 1. That there shall be elected by the Board of Aldermen of the city of Goldsboro a Board of Cemetery Trustees to consist of five members, whose terms of office shall be one, two, three, four and five years, respectively. At the first meeting of the Board of Aldermen of the city of Goldsboro after the ratification of this act the said Board of Aldermen shall elect the said Board of Cemetery Trustees, and shall designate the term of office of each member of the said Board of Cemetery Trustees. All vacancies occurring in said board shall be filled by the Board of Aldermen of the city of Goldsboro. The members of said Board of Cemetery Trustees shall receive no compensation for their services. No member of the Board of Aldermen of the city of Goldsboro, nor no member of the Board of Public Works, nor the Mayor of said city shall be a member of the said Board of Cemetery Trustees and no member of said Board of Trustees shall have any interest in or receive any benefit from any contract made by the board.

Board of cemetery trustees.

Terms of office.

When and by whom elected.

Vacancies, how filled.

No compensation.

Alderman, member board of public works and mayor ineligible.

Trustees not to be interested in city contracts.

Sec. 2. Before entering upon the performance of the duties imposed upon them each member of said Board of Cemetery Trustees shall take an oath before some officer authorized to administer oaths, to faithfully perform the duties of his office.

Oath of office.

Sec. 3. That the said Board of Cemetery Trustees shall have power to appoint a chairman and a secretary and treasurer, which secretary and treasurer shall give a bond with approved security, in a sum to be fixed by the Board of Aldermen of the city of Goldsboro, and payable to the said city, to faithfully account, whenever called upon to do so, to said Board of Aldermen of the city of Goldsboro for all moneys by him received and expended: *Provided, however,* that said secretary and treasurer shall make a full report every twelve months to the Board of Aldermen of the city of Goldsboro. Said report shall give a detailed statement of the receipts and disbursements of all moneys, and the condition of the affairs of all matters connected with said Board of Cemetery Trustees. The said Board of Cemetery Trustees shall have power to employ such officers and servants as may be necessary, and fix the compensation of same.

Chairman and secretary and treasurer.

Treasurer's bond.

Treasurer's annual report.

Contents of report.

Power of trustees to employ officers and servants and fix compensation.

Sec. 4. That the said Board of Cemetery Trustees shall have sole and entire control of the management and sale of lots of all the cemeteries belonging to said city of Goldsboro, and all moneys arising from the sale of lots and other property belonging to said cemeteries shall be used and expended by the said Board of Cemetery Trustees for the improvement and beautifying of the cemeteries as

Powers of trustees over city cemeteries.

Use of money arising from sale of lots in cemeteries.

aforesaid, and for the purchase of additional lands for cemetery purposes whenever it shall become necessary to purchase additional lands for said cemetery purposes.

Rules and regulations relative to lots, interments, etc., in cemeteries.

Sec. 5. The said Board of Cemetery Trustees shall have the power to make such rules and regulations relating to the disposition of burial lots, the making of interments therein, and for the preservation and care of said burial lots as the said Board of Cemetery Trustees may deem proper.

Conflicting laws repealed.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

Chapter 340.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter three hundred and thirty-seven of the Private Laws of nineteen hundred and one be and the same is hereby amended by striking out section two of said act and substituting in lieu thereof the following, to-wit:

Division of town into wards.

Sec. 2. That the town of Sanford shall be divided into four wards, denominated first, second, third and fourth wards. The said wards shall be bounded as follows:

Boundaries:

First ward.

"First Ward, beginning at the intersection of the west boundary of the town with the Buffalo Church road, and running thence with the centre of the road to the centre of Carthage street; thence with the centre of Carthage street to the centre of Charlotte avenue; thence with the centre of Charlotte avenue to Little Buffalo Creek; thence down the various courses of said creek to the north boundary of the town; thence with the north and west boundaries of the town to the beginning.

Second ward.

"Second Ward, beginning at the intersection of the north boundary of the town with Little Buffalo Creek, and running thence up the various courses of said creek to the centre of Charlotte avenue; thence with the centre of Charlotte avenue and the extension thereof to the east boundary of the town; thence with the east and north boundaries to the beginning.

Third ward.

"Third Ward, beginning at the intersection of the east boundary of the town with the centre of the extension of Charlotte avenue,

and running thence with the centre of said extension and Charlotte avenue to the centre of Little Buffalo Creek alley; thence with the centre of said alley to the centre of Melver street; thence with the centre of Melver street to the intersection of the said centre line of Melver street with the centre line of Second street; thence S. 12 E. to a stake in the centre of Little Buffalo Creek; thence up the various courses of said creek to the south boundary of the town; thence with the south and east boundaries of the town to the beginning.

"Fourth Ward, all that portion of the town of Sanford not included in the first, second and third wards." Fourth ward.

Sec. 3. That chapter three hundred and seven of the Private Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out the word "nine" in line three of section four thereof and substituting therefor the word "eight"; by striking out the words between the word "ward" in line five of section four and the word "such" in line six of section four; and by striking out the word "one" in line seven of section twenty-three and substituting therefor the word "three." Chapter 307, Private Laws 1899 amended.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 341.

AN ACT TO AMEND CHAPTER 89 OF THE PRIVATE LAWS OF 1885, BEING AN ACT TO INCORPORATE THE RALEIGH SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That section one of the chapter eighty-nine of the Private Acts of eighteen hundred and eighty-five be amended by adding after the word "bank" in line six the words "and Trust Company." Former act amended. Name changed.

Sec. 2. That section three of said chapter be struck out and the following substituted therefor: "That the affairs of this corporation shall be governed and managed by a board of directors to consist of not less than three nor more than fifteen members or stockholders, as may be prescribed by the by-laws, which directors shall be elected by the stockholders at their annual meeting, and hold office for one year and until their successors are elected and qualified." Directors.

Sec. 3. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and Power to act as agent, factor, etc., of any State, county, etc.

commission as may be agreed upon in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any State, county, town, municipality, corporation, company or person, bonds, certificates of stock or any description of property, real or personal, or for guaranteeing the payment of bonds, certificates of stock or other property, and generally for managing such business; and may charge such premiums, commissions or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

Safety deposit business.

Sec. 4. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, deeds, muniments of title or any other valuable papers of any kind, or any other article or thing whatsoever which may be left or deposited for safe-keeping with said corporation, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe-keeping thereof may construct, erect or purchase such fire and burglar-proof buildings, vaults, iron or composition safes or means which may become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping and preservation of all such articles or valuables as may be deposited with said company; and the charges of said corporation for services rendered in connection with valuables or other articles left with it for keeping are hereby declared to be a prior lien on same to other debts of equal character; and also to invest the capital or funds as may be deposited with said corporation for that purpose, from time to time, in such stock, bonds and securities as may be regarded advantageous and desirable. Such corporation shall have power to receive and hold on deposit and in trust and as security, estate, real, personal and mixed, including notes, bonds, obligations of State, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between the parties contracting with them.

Power to accept and execute trusts.

Sec. 5. That said corporation shall also have the power and authority to accept and execute trusts of any kind and every description which may be committed or transferred to it, whether by deed, grant, devise or other conveyance, orally or verbally, with their consent, by any person or persons whomsoever, corporations, or by any court in this or any other State or Territory or of the United States, and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases.

Sec. 6. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or valuable things whatsoever shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation. May act as executor, guardian, etc.

Sec. 7. Whenever any deposit of money or other thing of value shall be made by or in the name of any person being a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor, and free from all control or lien of any persons except creditors, and shall be paid, together with interest thereof, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the corporation. And when any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the corporation, in the event of the death of the trustee the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made. Deposits of married women and minors.

Sec. 8. The said corporation shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commissions as may be fixed by law or as may be agreed upon. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court, the said company shall file in the office of the Clerk of the Superior Court of Wake County an undertaking with sufficient surety, with either personal sureties or bonds of the State of North Carolina, or any other security satisfactory to the court, and to be approved by the said Clerk and held as security, in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said corporation by order of any court of North Carolina as aforesaid. In case the wilful default in the performance of any trust so committed to the said corporation as aforesaid, the said undertaking may be sued upon by the party injured or his personal representative, in the Superior Court of any county of North Carolina where such default may have been made (and the Superior Court of Wake County, whenever May act as executor, trustee, etc. Undertaking, how given. Default in performance of trust, etc.

it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, it may require the said undertaking to be enlarged sufficient to secure the faithful performance of the same). A copy of such undertaking, duly certified by the said Superior Court of Wake County, and if secured by the bonds of the State or of the United States, or of any county or city or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts in North Carolina. And the Superior Court wherein the said corporation shall have been appointed guardian, executor, administrator, receiver or depository shall have the power to make orders respecting such trust and to require the said corporation to render all accounts which said court might lawfully make or require if such trustee was a natural person. And in accepting any of the trusts or powers hereunder, the said corporation may qualify by one of its executive officers.

Subject to orders of court.

Discretionary power over trust funds.

Sec. 9. The said corporation shall have discretionary power to invest the funds received by it in trust, including its capital and surplus, in bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents and profits than can be reasonably earned.

Enumeration of powers not to limit.

Sec. 10. That the enumeration of powers herein contained shall not be construed to limit but to extend its corporate powers, and said corporation is hereby invested with all powers and privileges usually conferred upon, incident to or exercised by banking institutions, savings banks, safety deposit and trust companies and loan and trust companies: *Provided, however,* the powers and privileges granted herein shall not be deemed forfeited by non-user of the same by the corporation.

Further powers.

Proviso.

Sec. 11. That this act shall be in force from and after is ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 342.

AN ACT TO INCORPORATE THE BANK OF BELHAVEN.

The General Assembly of North Carolina do enact:

Section 1. That Charles P. Ayeoek, J. A. Wilkinson, J. B. Clark, C. C. Smith, L. J. Yaekel and W. J. Bullock, their present and future associates and sueeessors, be and they are hereby ereated a body eorporate under the name and style of the "Bank of Belhaven," and shall so eontinue for a period of sixty years, with the eapaeity to sue and be sued, to maintain and defend actions in the eorporate name, to take, hold, buy, sell and eonvey real and personal property, and to eonduet, transaet and earry on a general banking business, with all the rights, powers and privileges now or hereafter granted by the laws of North Carolina to banking eorporations. Incorporators. Body corporate. Corporate name. Powers.

Sec. 2. The principal offiee and plaee of business of said eorporation shall be in the town of Belhaven, State of North Carolina; the offieers of said bank shall eonsist of a board of at least five directors, a president, a viee-president, eashier and such other employees as the board of direetors shall from time to time deem neeessary for the proper eonduet of the business of the bank. The board of direetors may be inereased to a greater number than five at the time of the organization of said bank, or at any regular meeting of the stoekholders thereafter. The board of direetors shall be eleeted annually by the stoekholders, who shall hold their offiee for a term of one year or until their suceessors are duly elected and qualified. The direetors so eleeted shall ehoose all the offieers of the eompany at each annual meeting, and sueh officers shall hold their office for one year, unless sooner removed for good eause, and until their sueeessors are eleeted and qualified. The board of direetors may require the eashier and such other employees as they may deem advisable to give bond in sueh amount as they may deem neeessary, with approved security, for the faithful performanee of their duties. The duties of the several officers shall be fixed by the by-laws. Principal office. Officers. Election of directors. Election of officers. Bonds of cashier and employees.

Sec. 3. The eapital stoek of the said bank shall not be less than fifteen thousand ($15,000) dollars, divided into shares of one hundred dollars each, but such capital may be inereased from time to time at any annual meeting of the stockholders, or at any other meeting of the stockholders ealled for that purpose, to a sum not exceeding in the aggregate fifty thousand ($50,000) dollars. Capital stock.

Sec. 4. The corporators named in the first section of this aet, or a majority of them, may and they are hereby empowered to open books of subscription for the said eapital stoek of said bank at sueh time and plaee and for sueh period as they shall hereafter determine, and when the sum of fifteen thousand ($15,000) dollars shall have Books of subscription.

been subscribed to said capital stock, a majority of said subscribers shall call a meeting of the said incorporators and serve ten days' notice of same upon each subscriber, naming a day and place in the town of Belhaven for the meeting for the organization of said bank. When the amount of said stock shall be paid up in a sum not less than fifteen thousand dollars, the said corporation is hereby authorized to begin business.

Organization.

By-laws, etc.

Sec. 5. It shall be the duty of the stockholders and they are hereby fully authorized to make all necessary rules, regulations and by-laws for the government of said corporation and the conduct of its business, and to fill all vacancies on the board of directors. The board of directors shall fix the salaries of all officers.

Vacancies; salaries.

General banking business.

Sec. 6. The corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to loan and invest money in or upon the security of mortgage, pledge, deed in trust or otherwise upon any land or personal property or other property wherever situated, to loan money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action and any and all negotiable or commercial paper, or any stock, bullion, merchandise or other property, and the same to sell or in anywise dispose of, and to charge any rate of interest upon such loan, not exceeding the rate allowed by law.

Power to purchase, etc., property, stock, etc.

Sec. 7. That said corporation may subscribe to, purchase or lend money upon any stock, shares, notes, bonds or other securities of any government, State, municipality, corporation, partnership or persons, and hold or sell the same; may negotiate in behalf of any corporation, partnership or person such shares, stock, notes, mortgages or other security, with or without guaranty or collateral obligation by said company; and may sell or subscribe any of the property, real or personal, and any interest acquired therein by it, to any other corporation or individual for any portion of such bonds or securities or stock as may be agreed upon, without liability on said stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. That said corporation may also receive on deposit all sums of money which may be offered to it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree to, as an investment or otherwise.

Power to contract, etc.

Sec. 8. That said corporation shall have power to make contracts, to have and to use a common seal; to buy, hold, invest and convey real and personal property, and to do all other lawful acts and

exercise all lawful powers and privileges invested by law in a corporation.

Savings bank business.

Sec. 9. That said corporation shall be invested with all the powers and privileges usually incident to savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rate or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank feature of this corporation. Such savings department may be kept separate and distinct from the other business of the bank.

Deposits of married women and minors.

Sec. 10. That said corporation may receive deposits from minors and married women and open accounts with them in their own name, whether for investment or otherwise; and when any deposit is thereby made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto as if they were of full age and not married, and any payment made to such on his or her receipt or check shall be a valid and sufficient release and discharge to said corporation for any liability.

Power to purchase property, etc.

Sec. 11. That said corporation may buy and purchase any real or personal property when sold by any trustee under any deed in trust, to secure any debt due said bank, and may hold and sell the same at pleasure.

Transfer of stock.

Sec. 12. That no stock in this corporation shall be transferred except on the books of the corporation, in person or by written power of attorney, and no stock shall be transferred in any event by any stockholder indebted directly or indirectly to said corporation, until said indebtedness has been fully paid, without the consent of a majority of the directors in regular meeting so expressed; and all stock shall be liable for all debts due by such stockholders to said bank, and such indebtedness shall constitute a lien upon said stock: *Provided*, that this condition shall be printed on the certificates of stock issued by the corporation.

Proviso.

Sale of stock of delinquents, etc.

Sec. 13. That if any subscriber shall fail to pay for his stock or any part thereof, as the same may be required, the entire residue shall become due and payable, and may be recovered in the name of the corporation by civil action, or the entire stock of such delinquent may be sold by order of the directors for cash, at the banking house of said corporation, after due advertisement of such sale for thirty days in some newspaper published in Beaufort County, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with

all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

May act as trustee, assignee, etc.

Sec. 14. That said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have the power and authority to receive for safe-keeping on deposit all money, bonds, stocks and other valuables, and to charge and collect a reasonable compensation for the same, which charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

Depository for funds in litigation.

Safety deposit business.

May act as agent, factor, etc.

Sec. 15. That said corporation shall have the right to act as agent, factor, assignee or trustee for any State or county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on in registering, selling, countersigning, collecting, acquiring, holding and disposing of, on account of any such State, county, municipality, corporation or individual, any bonds, stocks, notes or other description of property, real or personal, or for indorsing or guaranteeing payment of said bonds, stock or notes, and generally for managing such business and for doing any or all of the acts authorized by this charter. Said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon.

Voting power.

Sec. 16. That each stockholder shall be entitled in all meetings of the stockholders to cast one vote for each share of stock appearing in his name on the books of the company. Such stockholders may vote by proxy, when duly authenticated in writing. The stockholders shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Individual liability.

In what time to begin business.

Sec. 17. That the corporation hereby created shall have two years from and after the ratification of this act within which to organize and begin business.

Sec. 18. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 343.

AN ACT TO DECLARE THE ASHEVILLE CLUB DULY INCORPORATED, AND TO AMEND, RATIFY, CONFIRM AND ENLARGE ITS CHARTER.

Whereas, some time about May 1st, 1881, Theo. F. Davidson, W. D. Hilliard, Charles A. Moore and others duly formed and organized a corporation under the general laws of the State of North Carolina then in force, under the name of the "Asheville Club," and said corporation continued in existence, and to carry out the purposes for which it was formed and organized, until the fall of the year 1890, when it temporarily ceased to maintain its club and to carry on the purposes for which it was formed; and whereas, on or about October 28th, 1892, certain of the members of said club, or corporation, reorganized said corporation under the same name, viz., "Asheville Club," and elected officers, and said club has continued in existence ever since and is now in existence, exercising all the powers conferred or supposed to have been conferred upon it as originally incorporated; and whereas, all record of the incorporation of said club has become lost, and by reason of this fact, and by reason of the fact that said corporation ceased to exercise its corporate functions for a period of time probably exceeding two years, and certain questions have been raised as to the validity of the present corporate existence of said "Asheville Club"; and whereas, the members of said "Asheville Club" are desirous of having the corporate existence of their organization ratified and confirmed and its powers enlarged: Now, therefore, Preamble. Former incorporation. Former organization. Records lost.

The General Assembly of North Carolina do enact:

Section 1. That said organization known as the "Asheville Club" is hereby declared to have been and to be a corporation duly incorporated and organized under the general laws of the State of North Carolina as of May 1st, 1881, and to have maintained its corporate existence since said date up to the present time; and all lawful acts, deeds and contracts of said corporation performed and made since said May 1st, 1881, are hereby validated, ratified and confirmed. Former incorporation, etc., ratified, etc. Corporate acts validated.

Sec. 2. That Frank S. Coxe, W. R. Patterson, T. E. Clayton, H. W. Plummer, H. F. Addicks, Jr., D. G. Davenish, David Gudger, Theo. F. Davidson, W. D. Hilliard, Chas. A. Moore, D. C. Waddell, Jr., J. D. Carrier, W. J. Fitzgerald, C. A. Raynor, Duff Merrick, C. A. Webb, and all such other persons as are now associated with them as members of the said "Asheville Club," or that may hereafter regularly become associated with them, be and they are hereby continued and constituted a body politic and corporate, under the name and style of the "Asheville Club," for the purpose of promoting Incorporators. Body politic. Corporate name.

Purposes. social intercourse between its members and guests and maintaining a reading-room and library, and for the encouragement of literature and art and of athletic sports and games, and generally for all other purposes for which social and literary clubs are usually formed;

Powers. and by such name and style said corporation may sue and be sued, plead and be impleaded in any and all of the courts of this State, contract and be contracted with, and have perpetual succession and a common seal.

Power to hold, etc., land, etc. Sec. 3. That said corporation shall have power to acquire by purchase or otherwise, lands and tenements suitable and adapted to the use of said club and hold the same in fee-simple or by less estate, and to use and dispose of the same as it may choose, and may also acquire, hold and dispose of such personal property as may be deemed necessary or desirable for the purposes of said club, including the right to invest its moneys in stocks and bonds of other corporations, or otherwise invest the same as it may think best, and to hold and dispose of all such investments or other personal property as it may see fit.

By-laws, etc. Sec. 4. That said corporation shall have the power to make and adopt a constitution and by-laws and rules and regulations for the admission and expulsion of its members and their government, the election of its officers and to define their duties, and for the safekeeping and protection of its property and funds, to create more than one class of members and to define the status of such different classes of members and the interest to which they are respectively entitled in the property and assets of said club, and from time to time to alter and repeal such constitution, by-laws, rules and regulations, and to provide for and dispense to its members and guests and visitors of the club, admitted under the rules and regulations thereof, all such supplies, lodgings, food and comforts and other things as may be permitted by the constitution, by-laws, rules and regulations of said corporation now or hereafter made, not in violation of any law of the State or of the United States.

Present by-laws, etc., ratified. Sec. 5. That the present organization of said club and its present constitution and by-laws and rules and regulations, in so far as the same are not inconsistent with this act and the laws of the State, are hereby ratified and confirmed, and no new reorganization shall be required.

Power to borrow money, issue bonds, etc. Sec. 6. That said club shall have power and authority to borrow money, and to issue its notes, bonds or other evidences of indebtedness, and to secure any such notes, bonds or other evidences of indebtedness by mortgage or deeds of trust upon any or all of its property and assets.

Principal office. Sec. 7. The principal office or place of business of said corporation shall be at the club-house of said club in the said city of Asheville, in the county of Buncombe.

Sec. 8. That the members of said club shall not be individually liable for its debts. Individual liability.

Sec. 9. That said corporation shall be entitled to and enjoy all rights, privileges and immunities conferred upon or allowed to corporations formed under the general law, whether herein enumerated or not. Powers not enumerated.

Sec. 10. That all laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 344.

AN ACT TO INCORPORATE THE VILLAGE OF GLADSTONE, STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the village of Gladstone, in the county of Stanly, be and the same is hereby incorporated by the name and style of the Town of Gladstone, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Village of Gladstone incorporated. Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the railroad crossing near R. G. Earnhardt's house, thence south through G. W. Peeler's farm to a stake in G. W. Peeler's line on the hill near the Barringer gold mine; thence east with G. W. Peeler's line, crossing the Gladstone and Copal Grove road, to G. W. Peeler's corner near the Fraby Branch; thence to James Burrage's, as the road runs east of his house, crossing the Salisbury road to the Yadkin Railroad; thence along the railroad west to the crossing where the road leads to the old Sharer place, and from this crossing north, crossing Curtail Creek to W. C. Cruer's house, taking in his house; thence northwest to the old Barringer house; thence southwest to the railroad crossing, which is the beginning corner, near R. G. Earnhardt's house. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a Mayor, three Commissioners and a Marshal. Town officers.

Sec. 4. There shall be an election held for officers mentioned in this act on the first Tuesday in May, one thousand nine hundred and three, and every year thereafter, under the same restrictions that county and State elections are held. All male citizens within said corporation who have resided twelve months within the State and Elections, how conducted, etc.

ninety days within the corporate limits previous to the day of election, shall be entitled to vote at said election.

By-laws, rules, etc. Sec. 5. That the said Commissioners shall have power to pass by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and the United States, and to impose fines and penalties for the violation of town ordinances and collect the same.

This act in effect, when. Sec. 6. This act shall be in force from and after the 5th day of May, 1903.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 345.

AN ACT TO INCORPORATE "THE SOUTHERN UNDERWRITERS."

The General Assembly of North Carolina do enact:

Incorporations. Section 1. That J. M. Hendrix, J. Van Lindley, J. W. Scott, L. M. Scott, E. P. Wharton, R. G. Vaughn and A. W. McAllister, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Southern Underwriters," by which name they may sue and be sued, plead and be impleaded, and shall enjoy and possess all the rights, privileges, powers and immunities usually appertaining to corporations, and such as are granted or may hereafter be granted to corporations by the laws of this State.

Body politic.
Corporate name.
Powers.

Principal office. Sec. 2. That the principal office and place of business of said corporation shall be in Greensboro, N. C., but the Board of Directors may establish and maintain such branch offices and agencies in this and other States and countries as it may deem convenient and useful for the business of the corporation, and the duration of the existence of the corporation shall be unlimited.

Branch offices.

Officers. Sec. 3. That the officers of the corporation shall be a president, vice-president, secretary and treasurer and such other officers as the Board of Directors may elect, and all officers shall be elected by the Board of Directors, and the entire management of the corporation shall be in the hands of the Board of Directors, which shall consist of such number as may be determined by the by-laws; the said Board of Directors to be annually chosen by the incorporators, their associates, successors and assigns, and any two or more of the offices of the said corporation may be held by the same person.

Election of directors.

By-laws. Sec. 4. The incorporators, their associates, successors and assigns shall adopt by-laws for the government of the corporation, and may alter, amend or repeal the same at pleasure, and none of the incorpo-

rators, their associates, successors and assigns shall be individually liable for the debts of the corporation.

Power to conduct fire, etc., business.

Sec. 5. That the said corporation shall have the power to insure and re-insure buildings, furniture, stocks of goods and other property against loss or damage by fire, lightning or water, and may issue policies of insurance therefor, and shall have power to do all things not inconsistent with the law for the purpose of carrying on a fire insurance business in this and other States and countries.

No capital stock.

Sec. 6. That this corporation shall have no capital stock, but all of its policies shall be guaranteed by another company or companies doing a fire insurance business, and in no case shall the said corporation issue any policy unless the same is guaranteed by a company or companies having in the aggregate a paid-in capital stock of at least one hundred thousand dollars ($100,000).

All policies issued to be guaranteed.

Contracts with other companies.

Investment of assets of corporation.

Sec. 7. The Board of Directors of said corporation may make such contracts and agreements with other companies for the guaranteeing of its policies and undertakings as it may deem best; may invest the assets of said corporation in United States bonds or the bonds of any State, county, city or other safe stocks and bonds and other property; may guarantee the policies or undertakings of other corporations; and if, after paying all expenses and paying other corporations for guaranteeing its policies, there should remain a surplus, the Board of Directors shall dispose of the surplus as directed by the by-laws of the corporation.

Disposition of surplus.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 346.

AN ACT TO AUTHORIZE THE PAYMENT OF THE RESIDUE OF THE SALARIES OF G. L. CATHEY AND BELL M'CRACKEN, PUBLIC-SCHOOL TEACHERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Treasurer authorized to pay certain school claims.

Section 1. That the Treasurer of Swain County is hereby authorized, empowered and directed to pay G. L. Cathey $57, a residue of his salary as a white public-school teacher in District No. 6 of Forney's Creek, in said county, for the year 1902; also $8 to Miss Bell McCracken, a residue of her salary as a white public-school teacher for District No. . ., in said county, for the year 1902.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 347.

AN ACT FOR THE RELIEF OF MISS MARY VICKORY, A PUBLIC-SCHOOL TEACHER OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

County Treasurer authorized to pay school claim.

Section 1. That the County Treasurer of Yancey County is hereby authorized to pay to Miss Mary Vickory, a white public-school teacher of Yancey County, the sum of one hundred dollars, the same being due Price's Creek Township School District No. 4, for the year 1902; said amount being due the said Miss Mary Vickory for teaching a public school in said district in the year 1902. The Treasurer shall not pay this money unless under order signed by the present committeemen of Price's Creek School District No. 4, and approved by the County Superintendent of Public Instruction.

Voucher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

Chapter 348.

AN ACT TO INCORPORATE THE ELK PARK AND BAKERSVILLE TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Formation of corporation and purposes.

Capital stock.

Corporate name.

Section 1. That for constructing a turnpike road from Elk Park to Bakersville, in Mitchell County, North Carolina, the formation of a corporation with a capital stock not to exceed twenty thousand dollars ($20,000), to be styled "The Elk Park and Bakersville Turnpike Company," is hereby authorized.

Books of subscription.

Directors.

Sec. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Elk Park, under the direction of any three of the following-named persons, to-wit, A. D. Reynolds, R. F. Hoke, E. P. Tatum, A. P. Brinkley and M. I. Walsh.

Shares.

Sec. 3. That the capital stock of said association shall be divided into shares of one dollar each, and whenever one thousand of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates are hereby declared to be a body politic and incorporated by the name and style aforesaid, with all the rights, powers and privileges incident or belonging to corporations as set forth or referred (to) in the chapter of The Code of North Carolina entitled "Corporations."

When subscribers declared body politic.

Rights, powers, etc.

Sec. 4. So soon as one thousand shares of the capital stock of said corporation shall be subscribed for, it shall be lawful for any three of the persons hereinbefore named to call a general meeting of such subscribers, by writing, at least two days prior to such meeting, and such subscribers, at each meeting, shall elect from among themselves a Board of Directors of not less than five, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders, as they may be fixed by the by-laws of said corporation, shall elect one of their number president of said corporation at said meeting or at any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the Board of Directors shall from time to time order and direct.

General meeting of subscribers.

Directors.

President.

By-laws.

Sec. 5. That the Board of Directors may require payments of subscriptions to the capital stock of said corporation, to be made in such installments as they may think proper, and in case any subscriber shall fail to pay the amount of his subscription after fifteen days' notice given in writing, the directors may sell said share or shares of stock so subscribed for by him by public auction, or so many of them as may be sufficient to pay the amount of his subscription then remaining unpaid; and if a balance shall remain unpaid after applying the proceeds of this sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid, any court having jurisdiction.

Subscriptions to capital stock, payment, collection, etc.

Sec. 6. That whenever any lands may be required for said turnpike, either for a roadway or for toll-houses or other appurtenances thereto, and an agreement cannot be made with the owner or owners of such lands, the company or owner may, in writing, apply to the Clerk of the Superior Court of Mitchell County to cause the damages of such owner, if any, to be assessed by those [three] disinterested referees, one to be chosen by the owner, one by the corporation and one by the Clerk of the Court; if either party, or both, shall fail to appoint, after five days' notice of the application to the clerk, then the clerk shall appoint instead. The referees so appointed, being duly notified by the clerk, shall, being first duly sworn by some person authorized to administer oaths, to act impartially, lay off a right-of-way forty feet in width, or less, as the company may elect, and also, if required by the company, shall lay off (a) suitable site or sites for a toll-house or houses, not exceeding one acre of land at each toll-house, and assess the damage, if any, to the owners of the land, taking into consideration any benefit or advantages to accrue to the owner from the making of the road, and return their award in writing within ten days to said clerk, and such award of such referees or any two

Right and provisions to condemn land and assess damages.

of them, when returned, shall become a judgment of the Superior Court of said county, on which execution may issue as on other judgments of the Superior Court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees (they) may appeal to the Superior Court as in other cases of appeal. So soon, however, as an award is returned by a majority of such referees as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award, and use them for erecting such turnpike road or erecting toll-houses, as the case may be.

Right of appeal.

Company may enter lands so soon as award returned.

Toll rates.

Sec. 7. That said company shall be authorized to demand, recover and receive from all persons using the road such company [compensation] no greater than the following fare or toll: For four-horse or four-ox team, 40 cents each way; two-horse or two-ox team, 25 cents each way; two-horse buggy or hack, 35 cents each way; one-horse buggy, 25 cents each way; one-horse wagon, 15 cents each way; horse and rider, 10 cents each way; loose horses, 5 cents each way; cattle, 5 cents each; sheep, 3 cents each. Any person who shall use any part of said road without paying the fare and toll due and payable for such use, and demanded by any officer or agent of said company at the established toll-gate, shall be guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Mitchell shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the cost of the proceedings against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than ten days.

Misdemeanor to use road without paying fare.

Penalty.

Toll-gate, when erected.

Sec. 8. That said company is authorized to erect a toll-gate across said turnpike at some convenient place as the Board of Directors may select, after said turnpike shall have been completed from Elk Park to the Daniels farm, and at such place may demand, receive and recover the fare or toll authorized by this act.

Fare collected before road complete, how used.

After completion.

Sec. 9. That the fare or toll collected for the use of said road shall be expended in keeping the toll-house, making and constructing said turnpike, and keeping the parts thus made in repair, until the entire line is completed; and after said road is finished as aforesaid, the said company shall be authorized to declare dividends for the benefit of stockholders.

Civil and criminal liability of persons injuring or obstructing road or bridge.

Penalty.

Sec. 10. Any person who shall in any manner injure or obstruct the road of said company, or any bridge connected therewith, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction, shall be fined or imprisoned, or both, in the discretion of the court.

Sec. 11. That the stockholders shall not be individually liable for the debts of the corporation. Liability of stockholders.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 349.

AN ACT TO INCORPORATE THE RUTHERFORD POWER COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. R. Haynes, T. B. Lovelace, J. F. Whisnant, B. D. Heath and John M. Scott, and their associates and successors, be and they are hereby declared a body politic and corporate under the name and style of the "Rutherford Power Company," and by that name shall have sixty years' succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter same at pleasure; contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act. Corporators. Corporate name. Corporate powers.

Sec. 2. That the capital stock of said company shall be one hundred thousand dollars, and it may be increased from time to time in the manner and under the regulations prescribed by the general corporation law, to any adequate amount by the issue and sale of shares of common or preferred stock, or both, but the par value of each stock share shall be one hundred dollars; and the directors, with the like approval of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property in payment of subscriptions to the capital stock, and may make such subscriptions in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed for, and the sum of one thousand dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a Board of Directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and thereafter they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. Every subscriber to, or holder of, the stock of said company shall be liable for the debts of said company to Capital stock. Shares. Subscriptions to stock, in what paid. Organization. Directors. Other officers. Liability of subscribers.

an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Right to borrow money and secure the same.

Sec. 3. It shall be lawful for the said corporation, upon such terms as the stockholders or Board of Directors, by their authority, may determine, to borrow money, to issue its notes, obligations, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property and franchises, in whole or in part, as they may deem necessary or expedient; and

Rights and powers as to property of other companies.

it shall be lawful for the said corporation to acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any of the United States.

Right to supply power for various purposes and provisions for generating, obtaining and transmitting power.

Sec. 4. That the said company is authorized and empowered to supply to the public, including both individuals and corporations, whether private or municipal, anywhere in the State of North Carolina, power in the form of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be applicable, and to fix charges, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from an initial point on Second Broad River, in Rutherford County, or from an initial point on Main Broad River, in Rutherford or Cleveland Counties, or any stream not navigable within the State of North Carolina where the company may establish a plant, either directly to consumers or users, or to a distributing point at Cliffside, in Rutherford County, and from the same or any other initial point in the said State of North Carolina, either directly to consumers or users, or to any other distributing point in North Carolina which the said company may establish by the most practical route, to be determined by the Board of Directors of the company, lines for the transmission of power by wires, or poles, or underground, and by cable pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines, and also such branch lines as the Board of Directors of the company may locate or authorize to be located for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell or otherwise dispose of water-power and water privileges in the State of North Carolina, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling

and developing power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances in the State of North Carolina: *Provided*, that the amount of land which the company may at any time hold within the State of North Carolina for any one water-power and appurtenant works, as well as the lands flowed or submerged with the water accumulated by dam, shall not exceed three thousand acres, exclusive of right-of-way: And *provided further*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall, upon application from the company, prescribe.

Amount of land company may hold at any one place.

Proviso as to lines, etc., for distributing power and light on streets or highways.

Sec. 5. That said company be and is hereby authorized and empowered to lay out, survey, construct, equip, maintain and operate by electrical power or other power, a railroad beginning at some point between Mooresboro, Cleveland County, and Ellenboro, Rutherford County, or between Mooresboro and Henrietta Station, on the Southern Railroad, so as to run by Cliffside Mills, in Rutherford County, and from said Cliffside Mills to Forest City, in Rutherford County, and from said road to locate, construct, equip, operate and maintain any lateral or branch roads, any one of which shall not exceed ten miles in extent, and by such route or routes as may be selected by its Board of Directors, and said company may operate or lease any such lateral or branch roads which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and it may pay for the same with money or by the issue of stock, notes or bonds, and said company may connect or unite its route with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies operating or authorized to operate the connecting railway or railways, upon such terms and under such name as may be agreed upon between the company so uniting or connecting, merging or consolidating, and for that purpose power is hereby given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger or combination, or any lease or sale; and said company shall have power to make and convey persons or property over its roads and to receive compensation therefor, and to do all things incident to railroad business.

Authority to build railroad.

Where located.

Branch roads.

Powers relative to other companies.

Power to carry persons or property and receive compensation.

Sec. 6. That the said company shall have power, in addition to the powers heretofore enumerated, to carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purpose of lighting, heat and power, and to furnish and to sell and contract for the furnishing and sale to persons, corporations, towns and cities, of electricity for illuminating purposes

Power to do general electric business, also to furnish gas or anything used for illumination, heat and power.

or as motive power for runnning and propelling engines, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used, and to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, gas and all other kinds of power, forces, fluids, currents, matter and material used or to be used for the purpose of illumination, heat and power; to carry on any and all business in any wise appertaining to or connected with the manufacture and generating and distributing and furnishing of electricity for lights, heat and power purposes, including the transaction of any and all business in which electricity is now or hereafter may be utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used in or which may be required or deemed advisable for or in connection with the utilization of electricity or any wise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water-powers; to supply water to persons, corporations, factories, towns and cities for domestic purposes and for use as power and for maufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed advisable or expedient; to construct, acquire, build and operate, maintain and lease in the State of North Carolina canals, ditches and flumes and pipe lines for the conducting of water; to maintain and operate railroads (and cross the same), street railways, water lines and tramways, carry freight and passengers thereon, and to charge, collect and receive toll or taxes for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines, and for the transmission of messages thereon, as may be deemed advisable or expedient; to construct, acquire, own, hold, lease, maintain and operate lines or wires, underground conduits, subways and other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railroads, motor lines and tramways to any other company or companies, incorporated for the purpose of maintaining and operating a railroad, street railroad, motor lines or tramway, and to lease or operate, maintain and operate any part or all of any other railroad constructed by any other company, upon such terms and conditions as may be agreed upon between said companies respectively; to apply

Water and water-power right, privileges and powers.

Railroads, street railways, etc.

Telegraph and telephone lines.

Underground conduits, subways, etc.

Powers relative to other railroads, street railways, etc.

to the proper authority of any incorporated city or town or of any county in the State of North Carolina in which the railway, street railway, motor lines, tramways, telegraph lines, telephone lines, electric light and power lines, plants, underground conduits, subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for a grant of any right, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold, lease all and singular the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold, and [any] rights, privileges or franchises heretofore granted to any person, firm, company, or which may be hereafter so granted by the proper authorities of any such incorporated city or town, or of any county in the State of North Carolina; to purchase, acquire, lease, rent, own, hold and improve real property in such quantities as may be deemed expedient; to build dwelling houses and to build and operate stores, mills, schools, factories, warehouses and all other buildings or structures desirable or convenient. It may, in any way it may desire, manufacture, handle and deal in cotton, wool, jute, hemp, silk or any other texture, either singly or in combination of two or more of them; to build, construct, maintain, operate, buy and sell wood, cotton and wool factories, iron furnaces and mines, to sell and dispose of the same on such terms and conditions and payments, including installments and the installment plan, as may be desirable or convenient; to lay out and plot any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plot and dedicate to public use or otherwise streets, avenues, alleys and parks; to purchase, possess, own, hold, rent, lease and improve all and any property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation or the transaction of its business or any part thereof, and to do and perform all and other matters and things necessary, proper or convenient for its accomplishment of the objects (and any thereof) above specified.

Franchises from counties, cities and towns.

Acquirement and improvement of real property.

Manufacturing business.

Power to lay out real property into towns, etc.

Improvement of property.

Sec. 7. It shall be lawful for the president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring or surveying public or *quasi* public works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works shall have been determined upon and a survey of the same deposited in the office of the Clerk of the Superior Court of the county wherein said works are located, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, have, hold, use and locate on any such lands, and to erect all the structures necessary and suitable

Right to enter upon the lands or waters of another, locate works and take possession.

for the completion or repairing of said works, subject to such compensation as is hereafter provided: *Provided, always,* that payment or tender of payment of all demands for the occupancy of all lands upon which the said works may be laid out be made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners be first had and obtained: And *provided further,* that such locating of its works and filing of its surveys in the office of said Clerk of Superior Court shall not preclude said company from making, from time to time, other location of works and filing surveys of the same as its business or development requires.

Tender of payment or consent of owner necessary.

Proviso.

Condemnation of lands.

Sec. 8. When any lands and right-of-way may be required by said company for the purpose of constructing and operating its railroads or other works for [of] public or *quasi* public nature, lands required for pondage being deemed of *quasi* public nature, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation of five commissioners, or a majority of them, to be appointed in term-time by petition to the Judge of the Superior Court of the county where some part of the land is situated, or by the Clerk of the Superior Court of said county. In making said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless,* that if any person or persons on whose lands the works may be located or whose lands may be covered by the pondage, or if the said company shall be dissatisfied with the valuation of the commissioners, then, in that case, the party so dissatisfied may file exceptions to the valuation in the pending proceeding, subject to the same rules, regulations and restrictions as in any other like cases. The proceedings of the said commissioners, with a full description of the land, shall be returned, under the hands and seals of a majority of them, to the county from which the commission issued, thereafter, on confirmation by the judge, to remain a matter of record, and also to be registered in the office of the Register of Deeds of each county wherein the land condemned lies, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided,* that upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had previously been given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such owner or owners; or if the owner or owners who are not under disability, or the guardian of such owners as are under disability, cannot be found in the county, or the owner

Exceptions to valuation.

Confirmation by judge.

To be registered.

Notice to owner.

or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper printed in the vicinity of the court-house of the county in which the application is made: And *provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any Clerk of the Court, Justice of the Peace or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent.

Valuation made on oath.

Right of condemnation not applicable to burial ground.

Sec. 9. Every stockholder in the company shall, at all meetings or elections, be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held at Cliffside, in Rutherford County, where the principal office of the company shall be, or elsewhere in the State of North Carolina, at such times and places as the stockholders may in the by-laws prescribe, and power is given to the stockholders to change the location of the principal office of the company at any time.

Voting power.

By-laws.

Meeting of stockholders, when and where held.

Sec. 10. The Board of Directors shall be composed of stockholders of said company, and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company shall direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of office; and they shall choose one of their number president, and in case of death, resignation or incapacity of any member of the Board of Directors during his term of office, the said board shall choose his successor for the unexpired term.

Board of directors.

President.

Vacancy.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 350.

AN ACT TO ALLOW THE GREENSBORO GAS AND ELECTRIC LIGHT COMPANY TO SELL ITS FRANCHISES.

Whereas, The Greensboro Electric Company, a corporation duly organized and existing under the laws of the State of North Carolina, by virtue of the powers conferred in its charter, has purchased all the properties, rights and franchises of the Greensboro Gas and Electric Light Company, a corporation duly organized under the laws of this State; and

Whereas, The said Greensboro Electric Company is conducting the business formerly conducted by the Greensboro Gas and Electric [Light] Company: Now, therefore,

The General Assembly of North Carolina do enact:

Sale ratified.

Section 1. That the purchase by the said Greensboro Electric Company of the rights, properties and franchises of the Greensboro Gas and Electric Light Company is in all respects ratified, confirmed and approved.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 351.

AN ACT TO AMEND CHAPTER 90, PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Name of Great Eastern Railway changed.

Section 1. That chapter ninety, Private Laws of nineteen hundred and one, be amended by striking out the words "The Great Eastern Railroad Company" wherever they occur, and inserting therefor the words "The East Carolina Railway Company."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 352.

AN ACT TO AMEND CHAPTER 301, PRIVATE LAWS OF 1893, TO AUTHORIZE THE TOWN COMMISSIONERS OF THE TOWN OF ASHEBORO, IN RANDOLPH COUNTY, TO PRESCRIBE A FIRE LIMIT.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and one, Laws of eighteen hundred and ninety-three, be and the same is hereby amended by adding the following at the end of section four of said act: That the Town Commissioners of the town of Asheboro may establish fire limits extending not more than fifteen hundred feet each way from the Bank of Randolph, and prevent the erection, establishment, covering, altering or repairing of any wooden or corrugated iron building or structure therein without the consent of the Mayor and Town Commissioners or of a committee specially appointed for that purpose, if the board sees fit to elect such committee. That the Town Commissioners shall have authority to condemn any building or structure within said limit for the purpose of decreasing the danger of fire: *Provided*, that a fair and just sum shall be paid the owner of the buildings so condemned: *Provided further*, that only the actual value of the buildings shall be taken into consideration in the condemnation proceedings: *Provided*, that this shall not apply to the finishing of buildings now being built within said limit.

Right to establish fire limits given and limits prescribed for Asheboro.

Restrictions on erecting, altering or repairing wooden building.

Provisions for condemning buildings within fire limits.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 353.

AN ACT TO INCORPORATE THE BANK OF SPENCER.

The General Assembly of North Carolina do enact:

Section 1. That E. M. Armfield, J. L. Armfield, H. C. Kinsey, James D. Dorsett, James K. Dorsett, Thomas Stewart, and their associates and successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Bank of Spencer," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continuous succession for thirty years, and a common seal for the purposes indicated in this act.

Corporators.

Corporate name.

Corporate powers.

Capital stock. Increase. When may commence business.

Sec. 2. That the capital stock of said corporation shall not be less than five thousand dollars, which may be increased from time to time to a sum not exceeding twenty-five thousand dollars, in shares of fifty dollars each. Said corporation may commence business when five thousand dollars shall have been paid in.

Directors. President and vice-president. Vacancies.

Sec. 3. That the affairs of the corporation shall be governed by a board of not more than nine nor less than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year and until their successors shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding annual meeting, to make

Rules, regulations and by-laws. Other officers.

rules, regulations and by-laws for the government of said corporation, and for the conduct of its business; also to appoint its officers and fix their salaries.

Office, location.

Sec. 4. That the office or banking house of the corporation shall be located in the town of Spencer, North Carolina.

Corporate powers. General banking business.

Sec. 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institution by the laws of North Carolina, and shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange, gold and silver coins, stocks, bonds, notes and other securities; to buy and sell real and personal property; to write insurance as agent; to lend money on personal security or to make loan secured by real or personal property; to receive deposits; and for the use and loan of money, may charge a rate of interest per annum as high as may be allowed by the laws of the State, and may take and receive said interest at the time of making said loan, free from

Provision as to married women and minors.

all other control or liability whatsoever. When married women or minors shall deposit money or other property in the bank to their credit or in their own name, they may withdraw the same on their own individual check, and be bound thereby. Deeds of real estate shall be made by the president and vice-president under the seal of

Power of bank to buy at its own sale.

the corporation. When the bank shall cause to be sold any of the property of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all respects: *Provided,*

Equity of redemption.

that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption.

Transfer of stock.

Sec. 6. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by attorney.

Savings bank feature.

Sec. 7. This corporation is invested with the powers and privileges incident to savings banks; may receive deposits in very small sums, the limit to be fixed by its Board of Directors, and may pay interest thereon by way of dividends out of the net earnings, or as

fixed, according as may be agreed on between the bank and its depositors; and the Board of Directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings-bank feature of this corporation.

Sec. 8. The stockholders shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock herein, at the par value thereof, in addition to the amount invested in such shares. Individual responsibility of stockholders.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 354.

AN ACT TO INCORPORATE THE BAPTIST MINISTERS' ANNUITY ASSOCIATION.

Whereas, Certain persons, citizens of North Carolina, have associated themselves with the intention of forming a corporation to provide annuities for Baptist ministers in certain contingencies, which corporation shall be a purely mutual association, without capital stock, conducted as a benevolent association for the benefit of Baptist ministers and their families, and not for profit:

The General Assembly of North Carolina do enact:

Section 1. That T. J. Taylor, W. C. Tyree, Livingston Johnson, R. T. Vann, A. Gree, M. L. Kesler, R. G. Kendrick, J. S. Hardaway, W. B. Morton, J. N. Boothe and J. T. Edmunson, their associates and successors, are hereby created a body corporate and politic by the name of the "Baptist Ministers' Annuity Association," and, as such, shall [have] perpetual succession and a corporate seal, with power to create and manage a fund for the payment of annuities to such Baptist ministers as shall be members of the association and comply with the stipulations, conditions and requirements of its by-laws. Corporators. Corporate name. Corporate powers.

Sec. 2. That such association may prescribe terms of membership, create such offices and agencies and enact such by-laws from time to time as may be needful in the conduct of its business. It may, by purchase or otherwise, receive, invest and hold property in furtherance of the purpose of its creation, and its principal place of business shall be at Warrenton, in this State. Offices, agencies and by-laws. Power to acquire and hold property. Principal office.

Sec. 3. That the said association may act as trustee of any fund or property for a named beneficiary for a specified period, where the Power to act as trustee for named beneficiary.

reversion is to itself, and shall not dispose of any part of such trust estate in violation of the terms of the trust.

Meetings.

Sec. 4. That such association shall hold annual and such other meetings as may be prescribed in the by-laws, in which every member shall be entitled to vote. And the affairs and business of the

Trustees.

association shall be conducted, subject to the by-laws, by a board of twelve trustees, eight of whom shall be members of the Baptist denomination, and four laymen, selected from honorary members of

Terms of office.

the association, of whom those first elected shall have their office for one year, four for two years, and four for three years. All subsequent terms shall be for three years.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 355.

AN ACT TO AMEND SECTION 4, CHAPTER 330, OF THE PRIVATE LAWS OF THE YEAR 1901, AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF SALISBURY TO FILL VACANCIES IN THE BOARD OF WATER COMMISSIONERS OF SAID CITY.

The General Assembly of North Carolina do enact:

Vacancy, how filled.

Section 1. Section four of chapter three hundred and thirty of Private Laws of the year 1901 is hereby amended by adding to said section the following words: In case the office of any such commissioner shall become vacant otherwise than by expiration of the term, the said Board of Aldermen shall fill such vacancy.

Sec. 2. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 356.

AN ACT TO INCORPORATE THE TOWN OF MYRTLE, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the town of Myrtle, in the county of Brunswick, be and the same is hereby incorporated by the name and style of the town of "Myrtle," and it shall have the benefit of and be subject to

all the provisions of law now in existence in reference to incorporated towns, and not inconsistent with this act. Application of existing laws.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at an oak on the Wilmington and Fayetteville road where the road forks to Jackey's Creek; thence up the Fayetteville road to Hansley Smith's residence; thence a straight line to the road leading to Town Creek, including James Morse, to a point on said road opposite to and in a straight line to and including Benjamin Dyson, near Rhodes Thick; thence the road to the beginning. Corporate boundaries.

Sec. 3. That the officers of said town shall consist of a mayor, three aldermen and a marshal, to be elected in accordance with the general laws regulating elections in cities and towns. Officers and their election.

Sec. 4. That until their successors shall have been elected and qualified, on Tuesday after the first Monday in May, 1905, the following persons shall be officers of said town, to-wit: Mayor, H. E. Trulove; Aldermen, J. C. Nelson, M. P. White and Benjamin Dyson; Marshal, Wesley Skipper. Names of officers appointed.

Sec. 5. That on and after July 1st, 1903, it shall be unlawful for any person, firm or corporation to sell or otherwise dispose of, at retail, any spirituous, vinous or malt liquors within the corporate limits of said town of Myrtle. Prohibition after July 1, 1903.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 357.

AN ACT TO INCORPORATE THE BANK OF LILLINGTON, CONFERRING THE POWERS INCIDENT TO A GENERAL AND SAVINGS BANKING BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. That H. T. Spears, O. J. Spears, S. A. Salmon, A. F. Johnson and W. W. Mills, or any three of them, and their successors and assigns, are hereby created to be and declared a body corporate under the name and style of the "Bank of Lillington," and as such may sue and be sued, plead and be impleaded, have and use a corporate seal and alter the same at pleasure, and have all the powers and privileges incident to a corporation of this character. Corporators. Corporate name. Corporate powers.

Sec. 2. That said corporation shall have its principal office or place of business at or near the town of Lillington, Harnett County. Principal office.

Sec. 3. That the corporation may make by-laws and regulations consistent with the laws of the State, for its own government and for the due and orderly conduct of its affairs and the management of By-laws.

Directors.

its property. The directors shall be elected by a majority of voters, in interest, of the stockholders, and shall not be less than five in number.

Books of subscription.

Sec. 4. That the incorporators, or any three of them, may open books of subscription, or may solicit subscribers to the capital stock of the corporation, at such times or places and in such manner as they may determine upon; and when the minimum amount, hereinafter

First meeting.

authorized, of the capital stock may have been subscribed, they, or the majority of them, may call a meeting of the subscribers, giving such notice thereof as they may deem proper, not less than ten days,

Election of directors.

fixing the time and place thereof. At such meeting they may organize the corporation, elect directors, and the said directors shall elect a

President and other officers and employees.

president and, from time to time, such other officers, agents, servants or employees as to said directors may appear necessary for the proper management of the affairs of the corporation. Before said organiza-

Management before organization.

tion is perfected, the entire management of the corporation shall be with the incorporators, or such of them as may hereunder solicit subscriptions to the said capital stock.

Capital stock.

Sec. 5. That the capital stock of the corporation shall not be less than ten thousand dollars, nor more than twenty-five thousand dol-

When to begin business.

lars, and the corporation may do or conduct its business hereunder when five thousand dollars of its capital stock may have been paid

Shares.

in. The directors of the corporation shall fix the par value of the shares of the capital stock.

General banking business.

Sec. 6. That the corporation shall have full power and authority to do a general banking business, to receive deposits, to make loans and discounts, and to invest its own money or the money of others in such manner as corporations of this character may do according to the law; to lend and invest money in or upon security of mortgage pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein, of any description, situate anywhere; to lend money upon, or purchase, or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any stock, bullion, merchandise or other personal property, and the same to sell or in any wise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law, and to collect such interest in advance; and the corporation shall be invested with all the powers

Savings bank feature.

and privileges incident to or that may, by the laws of the State of North Carolina, be hereafter conferred upon banking institutions and savings banks.

Individual responsibility of stockholders.

Sec. 7. That the stockholders in this corporation shall be individually responsible, equally and ratably, and not for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 8. That the existence of this corporation shall be for the term of sixty years. Corporate existence.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 358.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF BURLINGTON," PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That an act entitled an act to amend and consolidate the charter of the city of Burlington, passed by the General Assembly at its present session and ratified on the second day of March, A. D. 1903, be amended by adding at the end of section 20 of said act the words "and not exceeding three dollars ($3) on each poll." Section 20 amended.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 359.

AN ACT TO INCORPORATE THE TOWN OF CASAR, IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Casar, in Cleveland County, be and the same is hereby incorporated by the name and style of the town of Casar, and it shall have the benefit and be subject to all the provisions of law now existing in reference to incorporated towns in this State not inconsistent with this act. Town of Casar incorporated. Corporate name. Powers, etc.

Sec. 2. That the corporate limits of said town shall be as follows: Three-fourths of a mile in each direction from the post-office of Casar, where now located in the town of Casar, and said location shall be the center of said town. Corporate limits.

Officers. How elected.

Sec. 3. That the officers of said town shall consist of the following: a mayor, three commissioners and a marshal, to be elected in accordance with the general laws regulating elections in cities and towns.

Officers named.

Sec. 4. That until their successors shall be elected and qualified, the following shall serve as commissioners of said town: P. E. Rollins, J. L. Leary and W. M. Wellman. These commissioners shall meet within sixty days after the passage of this act, and elect a mayor and constable to serve until their successors shall be duly elected and qualified, as is qualified for the election of all officers of said town.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 360.

AN ACT TO INCORPORATE THE DUNN TROLLEY COMPANY.

The General Assembly of North Carolina do enact:

Incorporators. Body politic. Corporate name. Powers.

Section 1. That H. L. Godwin, O. P. Shell, J. D. Barnes, G. K. Grantham and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby created, constituted and incorporated a body politic and corporate under the name and style of the Dunn Trolley Company, and by that name shall be known in law; shall have the power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may have and use a common seal, and the same break, alter, renew or change at pleasure, and may make, ordain, establish and alter or amend such by-laws, ordinances and regulations concerning all matters of organization, management and business not herein specifically provided for as the said company may think proper, and generally may do every and any act and thing necessary to carry this act into effect, and to promote the object and design of the corporation: *Provided*, such by-laws, ordinances and regulations or acts be not inconsistent with the laws of the United States or of the State of North Carolina.

Proviso.

Corporate powers. Street railway, light and power business.

Sec. 2. The said company shall be and is hereby empowered and authorized to promote, establish, conduct and maintain the business of a general street railway, light and power company; to locate, buy, lease, construct, erect, establish, equip, maintain, operate, own or sell, or otherwise acquire and dispose of a line or lines of street railway or railways, and a plant or plants, work or other necessary

equipment for the generation of electricity, gas or other materials or fluids, and supply the same for public or private use for light, power and heat, within the limits of the town of Dunn and within the limits of the county of Harnett, and from the limits of the town of Dunn, as the same are now or may hereafter be laid off, westerly to the Cape Fear River, near or at the village of Averasboro; thence to the village of Duke, and from the village of Duke back to the town of Dunn, as may be determined from time to time by said company; and over the bridges, across any river, creek or stream in said county. The said company may locate, lay, erect, construct, equip, maintain and operate its line or lines of street railway and its poles, wires, subways, conduits, pipes, mains and other fixtures and appliances necessary for the proper, full and convenient carrying on of the business of said company, in, over and along the roads, avenues, lanes, alleys and other public highways in the said town of Dunn and in the said county of Harnett; permission being first had from the Board of Aldermen of the town of Dunn for work authorized to be done hereunder within the limits of the said town of Dunn, and permission being first had from the Board of Commissioners of the county of Harnett for the work to be done hereunder within the limits of said county.

Permission to be first had.

Sec. 3. The said company hereby incorporated may transport passengers and freight over the lines of its railway and collect fares and tolls for same, and may operate its railway system by electricity or other available motive power. The said company may manufacture, generate, employ, distribute, furnish, buy and sell electricity, the electric current, gas or other suitable and proper materials or fluids for public and private use for light, heat and power or other purposes for its own use, and for distribution and sale for any or all said purposes to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties; and may purchase and sell appliances and fixtures in connection with and for the purpose of introducing its light, heat and power into general use.

Transportation of freight and passengers.

Gas, electricity, heat, power, etc.

Sec. 4. The capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time to any sum not exceeding one hundred thousand dollars, as a majority of the stockholders may determine; said stock to be divided into shares of the par value of one hundred dollars each. Said capital stock may be divided into common and preferred, in such proportion as the stockholders, by unanimous vote, may decide. Subscriptions to the capital stock may be received by the incorporators herein named, or any two of them, at such time and place as they may appoint, and with or without public notice, as they may deem best, and as soon as the minimum of the capital stock has been subscribed, said subscribers may organize as a corporation and proceed to elect a Board of

Capital stock.

Par value of shares.

First meeting.

Organization.

Election of directors and officers.

Directors, consisting of not less than three nor more than nine stockholders, and such officers as may be required by the by-laws of said company, and shall thereupon be deemed fully organized, and have and exercise all the powers and functions of a corporation under this charter and the laws of the State: *Provided*, work shall commence upon the construction of said company's street railway within five years after the passage of this act. All subscriptions to the capital stock of said company shall be upon such terms and conditions and under such regulations as the Board of Directors may prescribe; and the directors may receive money or labor, material, bonds, stock, services, real or personal property, leases, options, rights-of-way and other rights or easements, or the capital stock of other corporations, in payment of subscriptions to the capital stock of the company hereby incorporated, at their actual value in money, such valuation to be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner and amounts and at such times as the directors may determine. No stockholder of said company shall be liable or made responsible for the debts or liabilities of said company in a sum beyond any balance due from such stockholder to said company on shares subscribed for by such stockholder.

Proviso: when work to begin.

Subscriptions to stock.

In what paid.

Individual liability.

Right to acquire and hold certain properties, etc.

Sec. 5. The Company hereby incorporated may acquire, by lease, purchase, subscription to or purchase of the capital stock, or otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation of other like companies chartered under the laws of this or other States, and may own, buy sell, lease, use, operate, maintain and extend the same; and power is hereby conferred upon other like companies chartered under the laws of this or other States to transfer, buy, sell or lease all their works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them. The said company hereby incorporated may purchase or otherwise acquire and hold the stock and bonds of any other company or corporation chartered under the laws of this or other States, and it may acquire and hold, by purchase, lease or in any other manner, the plant, works or other property of any company, firm or individual now engaged or which may hereafter engage in a similar business in said town of Dunn and in said county of Harnett; and may likewise acquire, hold, or afterwards sell, any other property necessary to the conduct of the business of the said company hereby incorporated, and may make payment for such railways, plants, works, franchises, rights or other property in money, notes or stocks therefor.

May own stock in other corporations.

Other corporations may take stock in this, etc.

Sec. 6. It shall be lawful for any corporation or company, and they are hereby empowered, to subscribe for, purchase or otherwise

acquire and hold or guarantee the stock or bonds of the said company hereby incorporated, and the said company hereby incorporated may sell, lease or convey its property, privileges and franchises to any other such company incorporated under the laws of this State.

Right of way, yards, etc.

Sec. 7. The said company hereby incorporated may take and acquire, by purchase, lease, condemnation or otherwise, and hold or thereafter sell or otherwise dispose of the lands required for the right-of-way for its railways, stations, yards, side-tracks, shops, power-houses, terminals and operating facilities, plants and works. But the mode of condemning any lands or rights shall be the same provided by the general laws of this State for the condemnation of lands by and for the use of railroad companies, as specified in chapter forty-nine of The Code, and said company shall also have the right to acquire, by purchase, and hold other lands not exceeding ten acres in said town of Dunn and in said villages of Averasboro and Duke, in Harnett County. And it is hereby empowered and authorized to sell, lease, convey and encumber the same as may be necessary or proper for the conduct of its business and prosecution of its work. The principal office of said company shall be in the town of Dunn, or such other place in the State of North Carolina as may be deemed convenient or necessary by the Board of Directors of said company for the conduct of its business.

The Code.

Principal office.

Crossing tracks of other roads, etc.

Sec. 9. The said company hereby incorporated is authorized and empowered to use on any portion of its line or lines of railway the track of any other railway company, with the consent of said other railway company, and may cross with its track, either at, above or below grade, the track of any railway company.

A misdemeanor to injure, etc., property of the corporation.

Sec. 10. Any person who shall deface, injure, destroy, remove or obstruct said railway, or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or any of the other works, poles, wires, pipes, fixtures, appliances, structures, machinery or property of any kind of the hereby incorporated company, shall be guilty of a misdemeanor, and fined or imprisoned, within the discretion of the court.

Powers, authority, etc., of conductors, motormen, etc.

Sec. 11. The motormen, conductors and other agents or servants of said company, while in the active service of said company, or in the discharge of any duty connected therewith, are hereby vested with the same power or authority and privileges which belong to similar officers and agents of the railroad company in this State; and in addition to the general powers conferred upon such agents and officers, they may eject and remove from any of the cars, carriages or coaches of said railway company, and the said officers and agents may eject and remove all drunken or profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly and profane

person has been paid or not. And the said company, its agents or officers shall not be liable, civilly or criminally, therefor, unless he use greater force than is necessary to eject such person.

Conflicting laws repealed.

Sec. 12. All laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 361.

AN ACT TO INCORPORATE THE TOWN OF SOUTH MILLS, IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Town of South Mills incorporated.

Section 1. That the town of South Mills, in the county of Camden, be and the same is hereby incorporated under the name of

Corporate name.

South Mills, and the limits of said town shall be bounded as fol-

Corporate limits.

lows: One-half mile square, with the center of said town in the middle of the canal bridge of the Dismal Swamp Canal.

Town officers.

Sec. 2. That the officers of said town shall be a Mayor, four Commissioners and a Marshal, the Marshal to be elected by a majority of said Commissioners.

Officers named.

Sec. 3. That until the regular election of town officers in 1903, and until their successors shall be elected, the officers of said town shall be Daniel E. Williams, Mayor; J. W. Taylor, B. B. Jones, George H. Jacobs and W. S. Bartlett, Commissioners.

Government.

Sec. 4. That the said town and the officers thereof shall be gov-

Code.

erned by the laws as conferred by chapter sixty-two of The Code of

Taxation.

North Carolina, and the Commissioners shall also have power to levy a tax on personal property, as well as real estate.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 362.

AN ACT TO INCREASE THE NUMBER OF THE COMMISSIONERS OF THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

Section 1. That the number of the Commissioners of the town of Louisburg be and the same is hereby increased from four to six. Number of commissioners increased.

Sec. 2. That wherever in the charter of the said town the word "four" occurs with reference to the number of Commissioners to be elected, voted for, or hold office in said town, the same be stricken out and the word "six" be inserted in lieu thereof. Charter amended accordingly.

Sec. 3. That at the next regular or special meeting of the Board of Commissioners of said town held after the ratification of this act, there shall be elected by the said board from among the qualified voters of said town the two additional Commissioners provided for by this act, who shall hold office until the next regular election for municipal officers in said town. Election of additional commissioners.

Sec. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 363.

AN ACT TO INCORPORATE THE TOWN OF FAITH, IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the present town of Faith, in the county of Rowan, is hereby created a body politic and corporate by the name and style of "The Town of Faith," and shall be, as such incorporation, subject to, and invested with, all the powers, rights, privileges and provisions contained in Chapter 62 of The Code, and in the Constitution and laws of the State of North Carolina, and amendments thereto, in reference to municipal corporations, as the same may now exist, except as they may be in conflict with or modified by the provisions of this act. Town of Faith incorporated. Corporate name. Powers.

Sec. 2. That the corporate limits of said town of Faith shall embrace all the territory circumscribed by the following boundary lines, to-wit: Beginning at a stake on the lands of L. M. Peeler, and runs thence S. 24 chains to a white-oak on Fesperman's line; thence S. 20 E. 49.25 chains to a stake on Hoffner's line; thence E. 17.30 chains to a stone, Peeler and Hoffner's corner; thence S. 18 chains Corporate limits.

to a black-oak on Mahaley's line; thence E. 29.50 chains to a stake in a road; thence N. 32 chains to Kluttz's corner; thence N. 6.50 chains to an oak stump, Hoffner's and Frick's corner; thence N. 14 W. 40 chains to a rock in Peeler's field; thence west, crossing public road at a branch at 20 chains; and thence again west to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a Mayor, five Aldermen, a Tax Collector, and Police; and the Aldermen, when qualified as required by law, may elect a Town Clerk and other officers necessary to the preservation and regulation of the town's best interests.

Elections.

Sec. 4. That there shall be held, on the first Monday in May, one thousand nine hundred and three, and every two years thereafter, in some convenient place in said town, to be designated by notice of the time and place thereof, posted in three public places in said town, or published in some newspaper published in said county, for four consecutive weeks, an election for a Mayor and five Aldermen, who shall hold their offices until their successors are qualified. Said election shall be ordered by the Board of Commissioners of Rowan County, after giving the notice required in this act, and the Registrar and two Judges of Election shall be appointed by said Board of Commissioners, and a new registration shall be ordered by said Board of Commissioners, and said election shall be held and the result declared, as near as may be, according to Chapter 750 of the Public Laws of the year 1901.

Notice of elections, when dispensed with.

Sec. 5. That after the first election held in pursuance to the provisions of the preceding section, the said Board of Aldermen may dispense with the notice of the time and place for holding the election provided for in this act: *Provided*, they shall establish, by ordinance or otherwise, a permanent polling place in said town.

Qualifications of mayor.

Sec. 6. That any qualified elector in this State shall be eligible as Mayor or Aldermen: *Provided*, he shall have resided within the corporate limits of said town for six months next preceding the day of election.

Qualifications of electors.

Sec. 7. That all persons entitled to vote in the county of Rowan for members of the General Assembly, and who shall have been *bona fide* residents of the town of Faith ninety (90) days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to vote at any and all municipal elections for said town.

Manufacture and sale of liquors prohibited.

Sec. 8. There shall be no intoxicating liquors or intoxicating wines or beers manufactured or sold within said town, or within a radius of two miles of any part of said town line, and any person violating this act shall be fined fifty dollars for each offence.

Ordinances, etc.

Sec. 9. The Board of Aldermen of said town may adopt and enact such ordinances, rules and regulations for the government of said

town, and preserving the peace and abating nuisances, as in their judgment may seem reasonable and just, and may enforce the same by fine, not exceeding $50, or imprisonment not exceeding thirty (30) days on the public roads of the county, or be worked on the streets of said town.

Mayor may enforce ordinances.

Sec. 10. When any person has violated or does hereafter violate any ordinance that the Board of Aldermen may enact, the Mayor may enforce the same by a fine for its violation, or a term to be served on its streets or on the public roads of the county, as set forth in the preceding section; and when any person is ordered to pay a fine and shall fail or refuse to pay same, then the Mayor shall issue a commitment to its officer or to the Sheriff of said county to receive said person, and shall state in said commitment the number of days the said person shall work on the streets or public roads aforesaid, and its officer or the Sheriff shall thereupon turn said person over to the proper authorities, to be worked on said streets or road.

Commitment of offenders.

Jurisdiction of mayor.

Sec. 11. The Mayor of said town shall have the same criminal jurisdiction over all criminal matters arising within the limits of the town that Justices of the Peace now have, in addition to the jurisdiction of violations of the ordinances of said town, and his warrants may be served anywhere in the county by the town officers or the Sheriff of the county.

Corporate powers.

The Code.

Sec. 12. That in addition to the powers conferred on the Aldermen in the corporated towns enumerated in Chapter 62 of The Code of North Carolina, and which is hereby made a part of this chapter, the said Aldermen shall have full power to lay out and open any new street or streets within the corporate limits of said town, whenever by them deemed necessary, and of [the] necessity thereof the said Aldermen are to be the sole judges within the said corporation. And they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners of the lands sought to be condemned or appropriated for public use by the Aldermen; and if the Aldermen cannot agree as to the compensation, then the matter shall be referred to arbitration, the Aldermen and owners of the land each choosing one freeholder and a qualified elector of said town; and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the Mayor shall, in his stead, choose such arbitrator for him or her; and in case the two chosen as aforesaid cannot agree, then the arbitrators so chosen shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned, and

Laying out streets, etc.

Condemnation of land. Procedure.

ascertain the damages that will be sustained by, and the benefits accruing to, [the] owner, in consequence of the taking and appropriating of said land, and award to the said owner the amount, if any, that shall be paid by the town for the use of the land so taken, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the Aldermen the right to use the land for the purpose for which it was condemned; and the damages agreed upon between the owners of the land and the Board of Aldermen, as awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court of Rowan County.

Appeal.

May prohibit the running at large of certain animals.

Sec. 13. That the said board may prohibit the running at large of horses, cattle, hogs, sheep, jacks, goats and such other live-stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as well as other live-stock not mentioned, from roaming at large within the corporate limits of said town, contrary to the ordinances of said town.

Police regulations.

Sec. 14. That the said Board of Aldermen are hereby empowered to enact such police regulations as may be necessary for the government of the town.

Authority of tax collector.

Collection of taxes.

Sec. 15. That the Tax Collector shall collect the taxes of said town, and shall have the same right, powers and authority as the Sheriff of the county now has, or may hereafter [have], for the collection of State and county taxes; and said Tax Collector shall be governed by the same laws, rules and regulations, in regard to the collection of taxes and levies and sales for taxes, that said Sheriffs are governed by for the collection of State and county taxes; but before the aforesaid Tax Collector shall have any right or authority to collect taxes, he shall give a good and sufficient bond to said town, to be approved by the Aldermen of said town, in such sum as they may deem sufficient. The said Tax Collector shall, *ex-officio*, be a peace officer of said town, with full power and authority to serve the processes of said town, anywhere in the county, and the Board of Aldermen may combine in one the office of Policeman and Tax Collector, if they should so desire.

Official bond.

To also be a peace officer.

Taxation.

Sec. 16. The Board of Aldermen shall, at the time State and county taxes are levied, annually levy an *ad valorem* tax on property, real and personal, not exceeding twenty-five cents on every one hundred dollars worth of property, as assessed for the State and county taxes, and according to the same valuations assessed for State and county taxes, and shall place a *per capita* tax on every male residing within the said town, liable to pay poll-taxes, as now provided by law, a poll-tax not exceeding seventy-five cents per head; the Constitution and laws of the State to be observed in the assessing of

property and levying of taxes, and the collection of taxes and sales of property for the same.

Salaries of officers.

Sec. 17. The Board of Aldermen may fix the salaries of the officers of said town and pay the same from any money in the hands of the Treasurer. Taxes, costs and penalties shall be used as the said Aldermen may deem for the best interest of said town.

Persons failing to pay fines may be worked on streets.

Sec. 18. The Mayor may work on the streets of said town all persons failing to pay his or their fine and penalties, instead of sending them to the public roads of the county, as prescribed above.

License tax on trades, professions, etc.

Sec. 19. The said Board of Aldermen, at the time of levying *ad valorem* and poll-taxes, shall levy such privilege or license tax on trades, shows, exhibitions, and on such things as are liable for a tax under the revenue laws of the State then in force. The revenue laws of 1903 of this State, and every revenue law hereafter of the State, shall be made a part of this act, to govern and enable the said Aldermen to levy such license tax as they desire.

Power to borrow money to erect school house, town hall, etc.

Sec. 20. The Board of Aldermen of said town shall have the right to borrow a sum not exceeding one thousand dollars for the purpose of a school, aid in erecting a school-house, building a town hall, or Mayor's office, or repairing the streets of said town, and may pledge the faith and credit of said town to secure the same, and execute a bond or note in the name of the town, signed by the Mayor thereof, with the seal of said town, and attested by the Tax Collector of said town that said note or bond shall be valid and legal in every respect in the hands of the *bona fide* holder thereof.

Execution of bond for same.

Corporate powers.

Sec. 21. That the said town shall have the right to sue and be sued, sign all legal documents or papers, execute its notes and bonds in its corporate limits, as "The Town of Faith," and by this name shall it transact all of its business. The said Aldermen may fine and remove any of its officers for cause or neglect of duty.

Vacancies on Board of Aldermen, how filled.

Sec. 22. That the Board of Aldermen shall have the right to fill all vacancies in the offices of said town caused by death, removal from said town, resignation or otherwise.

Sec. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 364.

AN ACT FOR THE RELIEF OF NARCISSA V. MASON, A COLORED SCHOOL-TEACHER OF THE COUNTY OF PERSON.

The General Assembly of North Carolina do enact:

Person county treasurer to pay Narcissa V. Mason $80.00.

Section 1. That the Treasurer of the county school fund of Person County be and he is hereby authorized to pay to Narcissa V. Mason, a colored school-teacher of School District No. 5, for [the] colored race, in Cunningham Township, Person County, the sum of eighty dollars for services as teacher of a public school in said district from October 30, 1899, to March 13, 1900.

Requirements before payment.

Sec. 2. That said amount shall not be paid unless the County Board of Education of said county shall endorse the voucher of said Narcissa V. Mason as a valid subsisting claim against the school fund of said county.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 365.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE, AND TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Enlarged boundaries.

Section 1. That the corporate limits of the town of Waynesville be and the same are hereby extended so as to include within the corporate limits of said town the following-described boundary of land, to-wit: Beginning at a stake in the road or street leading from the depot of said town of Waynesville to the main building of the "Haywood White Sulphur Springs property," at a point where the corporation line of said town, as now established by law, crosses said road or street; thence in a westerly direction to the northwest corner of the Haywood White Sulphur Springs livery stable; thence in a southern or southwestern direction about one-fourth of a mile to a stake on the side of the hill above the main brick building of the Haywood White Sulphur Springs property, three hundred feet from the southwest corner of said brick building, said stake being south 45 west from the southwest corner of said building; thence in an easterly direction across Richland Creek to the most extreme southwest corner of what is known as the D. M. Killian

property; thence with the south, southwest and southeast lines of said Killian property to the most extreme southeast corner of said Killian property or land; thence in an easterly direction to a stake in the center of the road leading from Waynesville to Balsam, at a point where the corporation line, as now established by law, crosses said road; and thence with the corporation line of said town of Waynesville, as now established by law, to the beginning.

Sec. 2. That Chapter 119 of the Private Laws of 1899, ratified February 27th, 1899, be and the same is hereby repealed. Chapter 119, Private Laws 1899, repealed.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

Sec. 4. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 366.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF SALISBURY TO OPEN LIBERTY STREET, BETWEEN CHURCH AND JACKSON STREETS, TO DISINTER AND REMOVE THE DEAD BODIES BURIED IN SAID STREET.

The General Assembly of North Carolina do enact:

Section 1. That the Aldermen of the city of Salisbury are authorized to disinter and remove the dead bodies in said street: *Provided*, that said dead bodies shall be decently buried elsewhere. Provision for removal of bodies buried in Liberty street.

Sec. 2. That all laws in conflict with this act are repealed, so far as the same may be inconsistent with this act. Conflicting laws repealed.

Sec. 3. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 367.

AN ACT TO INCORPORATE THE VOLUNTEER REEL TEAM, NUMBER ONE, CITY OF WASHINGTON, N. C.

The General Assembly of North Carolina do enact:

Section 1. That Joseph F. Tayloe, R. R. Handy, Z. M. Potts, Fred W. Hoyt and Fred C. Mallison, and such other persons as are now or may hereafter become members, not to exceed fifty in number, be and they are hereby created and declared to be a body politic and Corporators.

corporate under the name and style "The Volunteer Reel Team, Number One, City of Washington, North Carolina," and by that name shall be authorized to sue and be sued, to plead and be impleaded in any and all courts of law, and shall have perpetual succession and a common seal, with the power to purchase, hold and convey real and personal property when necessary or convenient for the purpose of carrying out the objects of their organization; and, for their government, may make all necessary by-laws, rules and regulations not inconsistent with the laws and Constitution of this State or of the United States, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.

Corporate name.

Corporate powers.

Officers.

Elected annually.

Term of office.

Sec. 2. That the officers of this corporation shall be such as may be provided by the by-laws of the corporation. All officers shall be elected annually, at such time as the by-laws of the corporation may prescribe, and shall hold office until their successors are elected and qualified.

Fines and penalties.

Sec. 3. That said corporation is empowered to impose reasonable fines and penalties in order to secure prompt and efficient service from its members.

Branches or teams.

Sec. 4. That the said corporation shall have one or more branches or teams, in the discretion of the members of the said corporation.

Active members of corporation exempt from jury service, road duty and town poll tax.

Sec. 5. That the members of the said corporation, while they continue to perform the duties incident to membership therein, and shall be in good standing in the said corporation, shall be exempt from serving upon juries and from the performance of road duty in Beaufort County, and the payment of town poll-tax to the town of Washington.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 368.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-SIX OF THE PRIVATE LAWS OF NORTH CAROLINA, RATIFIED ON THE SIXTH DAY OF MARCH, ANNO DOMINI EIGHTEEN HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Office of Southern Mining, Smelting and Manufacturing Company changed.

Section 1. That section one of chapter two hundred and ninety-six of the Private Laws of North Carolina, ratified on the sixth day of March, Anno Domini eighteen hundred and ninety-nine, be

amended by striking out the word "Raleigh" and insert in lieu thereof the word "Charlotte."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 369.

A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF STATESVILLE, AND TO DEFINE AND RE-ESTABLISH THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 40 of the Laws of 1885, the same being the amended charter of the city of Statesville, be amended as follows: After the word "notified," in the last line of section 18 of said act, add the following: "As full compensation for their services to the city, each Alderman shall receive $2 for every meeting attended by said Alderman, and no more." Section 18, chapter 40, Laws 1885, amended. Compensation of aldermen.

Sec. 2. That said Chapter 40 of the Private Laws of 1885 be further amended as follows: Strike out all after the word "territory," in the second line of section 1 of said act, down to the word "shall," in line 8 of said section, and insert the following in lieu thereof, namely, described as follows, to-wit: "Beginning at a stone on the north side of [the] Jonesville road, near where said road and the Mocksville road fork; thence south 24 degrees east 194 poles to a stone; thence south 66 degrees west 135 poles to a stone; thence south 24 degrees east 130 poles to a stone; thence south 66 degrees west 125 poles to the switch on the Atlantic, Tennessee and Ohio Railroad; thence along the northeast side of the Atlantic, Tennessee and Ohio Railroad 128 poles to a stake on the east side of said railroad, where Durham Avenue of the Statesville Development Company intersects said railroad; thence with the north side of Durham Avenue 92 poles to a stake on the north side of Fourth Street of the Development Company's property; thence with the west side of said street to a stake on the north side of New Bern Avenue, in [the] Statesville Development Company's property; thence with New Bern Avenue 85 poles to Eighth Street; thence with the east side of said street 140 poles to the north side of the Western North Carolina Railroad; thence along the west side of said Western North Carolina Railroad 82½ poles to the bridge crossing the Statesville Development Company's land; thence north Section 1 amended. Revised corporate boundaries.

8 poles to the south side of the Statesville and Western Railroad; thence with the south side of said railroad 93 poles to a stake; thence south 66 degrees west 103 poles, passing an old stone corner to a stone, an original corner; thence north 24 degrees west, passing near the fork of the Taylorsville and Lewis Ferry road 222 poles to a stone; thence north 66 degrees east 556 poles to the beginning corner."

Chapter 133, Private Laws 1893, and chapter 194, Private Laws 1895, repealed.

Sec. 3. That Chapter 133 of the Private Laws of 1893, and Chapter 194 of the Private Laws of 1895, be and the same [are] hereby repealed.

Conflicting laws repealed.

Sec. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. That this act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 370.

AN ACT VALIDATING THE ORGANIZATION OF THE CORPORATION AUTHORIZED BY CHAPTER 129, PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Organization of Bank of Wadesboro validated.

Section 1. That the organization of the Bank of Wadesboro, situate in the town of Wadesboro, North Carolina, by the incorporators named in section 1, Chapter 129, Private Laws of 1899, is hereby validated, legalized and declared to be sufficient to all intents and purposes contemplated by said act.

Conflicting laws repealed.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 371.

AN ACT TO AMEND CHAPTER 14 OF THE PRIVATE LAWS OF 1897.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 14 of the Private Laws of 1897 be and the same is hereby amended by striking out the word "ten," in line three of section 8, and inserting in its place the word "thirty-five"; by striking out the word "thirty," in line four of section 8, and inserting in its place the words "one dollar and five," and by striking out the word "three," in line five of section 12, and inserting in its place the word "five." Charter of town of Hamlet amended. Line 3, section 8, amended. Line 4, section 8, amended. Line 5, section 12, amended.

Sec. 2. That Chapter 14 of the Private Laws of 1897 be and the same is hereby further amended by adding a new section thereto, in the following words: "Sec. 12a. That the Commissioners of said town shall have the power to appropriate to the use of the public schools of said town so much of the revenue derived from the exercise of the powers granted them in sections 8, 9 and 12 of this chapter as they may deem proper." Section 12a. Power to appropriate revenue to public schools.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 372.

AN ACT TO INCORPORATE THE BANK OF AURORA, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That B. H. Thompson, J. B. Whitehurst, W. A. Thompson, R. L. M. Bonner, C. S. Dixon, J. T. Ewell, W. T. Hudnell and those associated with them now or hereafter, and their successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Bank of Aurora," in Beaufort County, and shall so continue for the term of fifty years, with authority to purchase, hold and convey real or personal estate, and with all the powers, rights and privileges granted in accordance with the laws of the State and not inconsistent with public policy, together with the rights, powers and privileges incident or belonging to corporations, as set forth or referred to in the first, second and third sections of chapter sixteen of The Code, entitled "Corporations." The stockholders of the bank organized under this act shall Incorporators. Body politic. Corporate name. Term. Powers. The Code.

Individual liability.

be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Capital stock.

Shares.

Sec. 2. That the capital stock of said corporation shall not be less than ten thousand dollars ($10,000), in shares of one hundred dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding fifty thousand dollars ($50,000).

Books of subscription.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby authorized and empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the due organization of such bank, may, at their discretion, from time to time, reopen books of subscription to said capital stock, until the whole amount is taken.

First meeting.

Organization.

Sec. 4. Whenever ten thousand dollars shall be subscribed, and five thousand dollars shall be paid into the capital stock of said bank, the above-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem necessary; and such

Election of directors and officers.

stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be elected, and said directors shall choose a president and vice-president, to serve during their continuance in office and until their successors shall be appointed.

Corporate powers.

Sec. 5. The president and directors of the bank may adopt and use a common seal, and alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation, and take security for the faithful discharge of their duties; prescribe the manner of paying for stocks and the transfer thereof;

General banking business.

may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State; and, in general, have the privileges conferred on corporations by the general laws of the State relating to corporations.

Banking powers.

Sec. 6. The bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may discount notes or other evidences of debt; may lend money on such terms as may be agreed on, not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors.

Stock of delinquents, how proceeded against.

Sec. 7. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion of the court of the county wherein the delinquent may reside, upon giving him ten days' notice of the motion by civil action, or the entire stock may be sold by order of the directors, for cash, at the banking house in Aurora, N. C., after advertisement of sale for twenty days in a newspaper published in the county of Beaufort, or posted in two public places in the town of Aurora; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

Assignee of unpaid stock liable for payment.

Sec. 8. If any subscriber shall assign his stock before the full payment, he and his assignees, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid by a civil action, and in every case of a delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the bank.

By-laws, rules, etc.

Sec. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws adopted by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; and they shall direct when dividends of profit shall be made. They may call a meeting of the stockholders whenever they think proper, and any number of the stockholders holding together one-fifth of the stock may call a special meeting, on giving thirty days' notice in a newspaper published in the county of Beaufort, or by notice delivered or mailed to each stockholder of record. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Stockholders' meetings.

Banking powers.

Sec. 10. Said bank shall have power to make loans upon mortgages of real estate or personal property, with power of sale inserted upon default of payment; also to receive in storage, or warehouse, or otherwise, any cotton, wheat, corn, other produce, manufactured articles or other property, as a pledge or pledges for the repayment of money or moneys loaned upon the face of the same, and any sales made thereunder, according to the terms therein recited, shall be good and valid in law.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 373.

AN ACT TO AUTHORIZE THE TREASURER OF POLK COUNTY TO PAY A CERTAIN SCHOOL CLAIM.

The General Assembly of North Carolina do enact:

Treasurer authorized to pay school claim.

Section 1. That the Treasurer of Polk County is hereby authorized and empowered to pay to Herbert Powell, a public-school teacher of District [No.] 25, for the white race, thirty-one ($31.25) dollars and twenty-five cents out of any funds due the said district in which he taught, the same being District No. 25, in White Oak Township, Polk County.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 374.

AN ACT FOR THE RELIEF OF MISS MARTHA REDDING, A WHITE SCHOOL-TEACHER IN RANDOLPH COUNTY, ALLOWING THE COUNTY TREASURER TO PAY SCHOOL VOUCHER FOR $10.

The General Assembly of North Carolina do enact:

Payment of school claim authorized.

Section 1. That the Treasurer of Randolph County be and he is hereby authorized to pay Miss Martha Redding the sum of ten dollars out of [the] public-school fund in District No. 5, Franklinsville Township, in Randolph County, for the year of 1901, out of any money that may now be in his hands, or that may hereafter come into his hands, belonging to said district: *Provided*, that the voucher be properly signed by the School Committee of that district and countersigned by the County Superintendent.

Voucher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 375.

AN ACT TO INCORPORATE THE GREENSBORO INTER-URBAN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That M. D. Barr, John Karr, F. R. Williamson and Z. V. Taylor, their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of "Greensboro Inter-urban Railway Company," and by that name shall exist for ninety-nine years, and shall have the right to have and use a common seal, to sue and be sued, to contract and be contracted with, to purchase or acquire, by gift or demise, property, real, personal or mixed; to hold, lease or sell the same as the interest of said company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other street railway or railroad company under the laws of North Carolina.

Incorporators. Body politic. Corporate name. Term. Powers.

Sec. 2. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, to be created by subscription, contribution or donation by individuals, townships, municipal or other corporations, and such subscriptions may be paid for in money, labor, land, material, stocks, bonds or other securities; and said company may, by a concurrence of two-thirds in amount of all of its stock, increase its capital stock, from time to time, to an amount not exceeding one million dollars: *Provided*, that said increase shall be granted by the Secretary of State upon application to him and the payment of the tax required by law: And *provided further*, that when ten thousand dollars of the capital stock shall have been subscribed for, the company shall have the right to begin business, with all the powers, privileges and franchises hereby granted.

Capital stock. Subscriptions and payment of same. Increase of capital stock. Proviso. When to begin business.

Sec. 3. The company hereby incorporated may acquire, by lease, purchase, subscription to, or purchase of the capital stock, or otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, of other like companies doing a street railway business, or an electric light and power business, or a gas business, chartered under the laws of this State or other States, and may own, buy, sell, lease, use, maintain and extend the same; and power is hereby conferred upon like companies chartered under the laws of this or other States, to transfer, by sale or lease, all their works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them. The said company hereby incorporated may purchase or otherwise

Power to purchase, etc., property, etc., of other corporations. Power to sell, consolidate, etc.

May be stockholder in other corporations.

acquire and hold the stock and bonds of any other company or corporation chartered under the laws of this or other States, and it may acquire and hold, by purchase, lease or in any other manner, the plant, works or other property of any company, firm or individual now engaged or which may hereafter engage in a similar business within this State, and may likewise acquire and hold, or afterwards sell, any other property necessary to the conduct of the business of the said company hereby incorporated; and may make payment for such railways, plants, works, franchises, rights or other property, in money or by issuing its bonds, notes or stock therefor.

Power to borrow money, issue bonds, etc.

Sec. 4. That said company is also given power and authority to borrow such sums of money as may be necessary for its purposes, from time to time, and for such loans to issue its bonds, bearing interest not exceeding six per centum per annum; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust or mortgage, conveying its road-bed, property and franchises in whole or in part.

Power to build railroads.

Sec. 5. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway, with one or more tracks and with such cars, trolley wires, cable posts, side-tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary, through, along and over the streets and avenues of the city of Greensboro and the city of High Point, and all other cities, towns and villages within a radius of fifty miles from the center of said city of Greensboro, and over and along the public highways and avenues, or over and along private rights-of-way, connecting the city of Greensboro with said cities, towns and villages, and any of said cities, towns and villages with each other, and to such points in the vicinity thereof and within the radius aforesaid as the said company, by its Board of Directors, may determine; to cross any track of any street railway or railroad company now incorporated or hereafter to be incorporated: *Provided*, that it conform to the grade of the track to be crossed, subject to such rules and regulations as may be prescribed by the Board of Aldermen; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as the said Board of Directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure, and in any and all forms now or hereafter in use for driving machinery and for propelling cars or carriages; to charge and collect such sums of money for the carriage of passengers and transportation of property as the Board of Directors may reasonably fix as the fare or rate of transportation between given points: *Provided, however*, that the cars or carriages shall be ope-

Route, etc.

Proviso.

Stations, warehouses, etc.

Generation and sale of power.

Freight and passengers.

Proviso.

rated over and along the streets and avenues of the cities, towns and villages as aforesaid, with electric power or with such power as shall be approved by the Board of Aldermen of said cities, towns and villages: *Provided further*, that its line or lines of railway shall be constructed over and along the streets and avenues within the corporate limits of the said cities, towns and villages, as aforesaid, by and with the consent of the Board of Aldermen of said cities, towns and villages, and over and along the public highways and avenues without said corporate limits, by and with the consent of the authorities having lawful supervision and control of said public highways and avenues, and the Board of Aldermen of the different cities, towns and villages, and the authorities having lawful supervision and control of the public highways within the radius aforesaid, are hereby vested with power to grant to the said Greensboro Interurban Railway Company the right, privilege, license and franchises to lay its tracks, erect its poles, maintain its lines and its gas pipes and gas mains over, along, under and upon the streets, avenues and highways as aforesaid, for the term of sixty years.

Proviso. Consent of aldermen, etc.

Gas pipes and mains.

Term.

Sec. 6. That said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell, within the radius aforesaid, electricity, the electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale, for any and all of said purposes, to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties, and may purchase and sell appliances and fixtures in connection with and for the purpose of introducing its light, heat and power into general use.

Generation and sale of electric current, gas, etc.

Sec. 7. That in order to carry into effect the purposes of this act, said company may survey such routes for its line or lines of railway, and for its ways and means for transmission and distribution of power, light and heat, as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege or right-of-way therein shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings of the standard width, and of its wires, cables, tubes, pipes and conduits for the purposes of transmission and distribution of power, light and heat, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same, or to an easement, privilege of right-of-way therein, in the manner and by the special proceedings prescribed by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies."

Right of way, etc.

Condemnation of land.

The Code.

Sec. 8. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or torts of the corporation.

Individual liability.

Penalty for destroying, injuring, etc., property of corporation.

Sec. 9. That any person who shall deface, injure, destroy, remove or obstruct said railway, or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court.

Penalty for throwing rock, etc., at cars, etc.

Sec. 10. That any person or persons who shall cast, throw, shoot, propel or project, or in any wise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature, at, against or into any car, carriage, coach or train of said railway, whether the same be in motion or at rest, with intent to injure any such car, carriage or coach, or any person or persons therein or thereon, or the property of said company, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court.

Powers of conductors, etc.

Sec. 11. That the conductors and drivers and other agents and servants of said company, while in the act of service of said company or the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State; and in addition to the general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane persons has been paid or not; and the said company shall not be liable or responsible in damages therefor, and such agent or officer shall not be liable, civilly or criminally, therefor, unless he use greater force than is necessary to eject such persons.

When corporation not liable for damages.

Principal office.

Sec. 12. That the principal office of said corporation shall be at Greensboro, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe.

By-laws.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 376.

AN ACT FOR THE RELIEF OF HELLEN GRAVES, OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Treasurer of Caswell County be and he is hereby directed to pay out of the school funds of District No. 4, Stony Creek Township, Caswell County, the sum of sixty-eight dollars ($68), or so much thereof as may be due her, to Miss Hellen Graves, for teaching a public school in said district: *Provided*, that the order for said sum shall be properly signed by the School Committee of said district and Superintendent of Schools of said county. Payment of school claim authorized. Voucher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

Chapter 377.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DUDLEY, WAYNE COUNTY," RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE 17th DAY OF FEBRUARY, 1903.

The General Assembly of North Carolina do enact:

Section 1. That an act entitled "An act to incorporate the town of Dudley, Wayne County," ratified the 17th day of February, 1903, be amended as follows: Strike out all of section 4 of said act, and insert in lieu thereof the following: "Section 4. That there shall be an election held for the offices mentioned in this act on the first Monday in May, 1904, and every two years thereafter. All citizens authorized and entitled to vote under the Constitution of this State, and who have resided in North Carolina two years, Wayne County for six months, and in the ward or precinct in which he resides in the town of Dudley for four months next preceding the election, shall be entitled to vote at said elections. For the purposes of said election the Mayor and Commissioners of said town shall, thirty days before said election, order a registration for all qualified voters as provided for the registration of voters under the general election law for the election of members of the General Assembly, and appoint a Registrar and Judge to conduct said Former act amended. Election of officers. Qualifications of electors. Registration.

Election, how conducted. Oath of office.

election. Said election shall, in all other respects, be held as elections for members of the General Assembly. The officers chosen at such elections shall qualify and take the oath of their office on the first Tuesday in May of the year in which they are elected.

Vacancies.

Should any vacancy occur in the office of Mayor or Commissioner, by death or otherwise, during the term for which they are elected, such vacancy shall be filled by the surviving members of the Board of Commissioners; and in case of a tie vote, the Mayor shall cast the deciding vote."

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 378.

AN ACT FOR THE RELIEF OF J. L. BOST, A WHITE SCHOOL-TEACHER OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Treasurer of Randolph county to pay J. L. Bost $15.00.

SECTION 1. That the Treasurer of Randolph County be and he is hereby authorized to pay J. L. Bost the sum of fifteen dollars ($15) out of the school fund of Randolph County allotted to Fainor District, in Concord Township, out of any money that is now in his hands or that may hereafter come into his hands to the credit of said district, upon the counter-signature of the County Superintendent of Public Instruction of said county.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 379.

AN ACT TO INCORPORATE "OLD SPARTA," EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

SECTION 1. That the town of Old Sparta, in the county of Edgecombe, be and the same is hereby incorporated under the name of "Old Sparta," and the limits of said town shall be as follows:

Beginning at W. L. Reason's saw-mill; thence in straight line to Town Creek; thence up the said creek to the mouth of a ditch which runs between the lands of Mrs. Martha Belcher and the Primitive Baptist Church grove; thence with said ditch to the southern corner of Mrs. J. L. Suggs' lot; then easterly in a straight line along the back line of Mrs. J. L. Suggs, W. H. Exum, Miss Ellen Wells, Mrs. Kate Little and the M. B. Pitt store lot, to a point nearest the Methodist Episcopal Church; thence in straight line to the said W. L. Reason's saw-mill, the beginning. Corporate boundaries.

Sec. 2. That the officers of said town shall be a Mayor, three Commissioners and a Constable, to be elected in accordance with the laws regulating the elections of cities and towns for officers thereof. Officers. How elected.

Sec. 3. That until the next said election according to law, and until their successors shall be elected or appointed, the officers of said town shall be as follows: Mayor, M. B. Pitt; Commissioners, W. H. Exum, W. L. Reasons and W. G. Harrell; Constable, C. R. Johnson. Names of officers appointed.

Sec. 4. That the said officers shall be governed by, and shall have and exercise all the jurisdictions, rights and powers conferred under the law applicable to towns and cities. Jurisdiction, rights and powers.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 380.

AN ACT FOR THE RELIEF OF R. E. L. PLUMMER, OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Ashe County is hereby authorized and directed to pay to R. E. L. Plummer, for services rendered as a public-school teacher during the years 1901 and 1902, in District No. 12, Subdivision No. 2, known as Balance District, in Ashe County, the sum of forty-eight dollars, out of the public school fund which may now be due or may hereafter be due the said school district: *Provided*, that said Treasurer is only directed to pay said money upon the presentation of a voucher drawn and endorsed according to law. Ashe county treasurer to pay R. E. L. Plummer $48.00 out of school fund. Proviso.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 381.

AN ACT TO INCORPORATE THE BANK OF NASHVILLE, NASH COUNTY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That F. B. Ricks, S. F. Austin, S. G. Griffin, E. B. Grantham, O. D. Batchelor, executor of V. B. Batchelor, deceased; R. U. Brooks, L. W. Boddie, S. S. Gay, W. G. Roberson, C. C. Cockerell and W. J. Batchelor, and their future associates, successors and assigns, be and the same are hereby created a body politic and corporate under the name of "The Bank of Nashville," and shall have the right to so continue for a period of sixty years, and shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, have a common seal, and enjoy all the rights and privileges necessary and incident to carrying on a general banking business.

Corporate name.

Corporate powers.

Capital stock. Shares.

Increase.

Corporate powers.

Sec. 2. That the capital stock of said bank shall be five thousand dollars, divided into shares of ten dollars each, but the stockholders of said bank shall have the privilege of increasing said capital stock, from time to time, to a sum not exceeding fifty thousand dollars, and shall have the privilege of fixing the value of any share or shares hereafter offered for sale, or sold, at such price as to them may seem proper, and shall also have the power and are hereby fully authorized to retain and pass to the surplus fund any net profits already accumulated by said body of men while doing a private banking business.

General banking business.

Sec. 3. That the said corporation shall have the power to receive and disburse the lawful currency of the country, deal in notes, stocks, bonds and other securities; borrow and lend money; receive deposits of money, securities or other valuable personal property of any kind; may charge for the use of money loaned the highest rate of interest allowed by law, and shall have the right to retain the said interest at the time of making the loan; to take real and personal property as security for money loaned, and to buy any property conveyed to it to secure money loaned or advanced, and to do any and all acts, and enjoy all the liberties, immunities and privileges enjoyed by and conferred upon any bank chartered under the laws of the State of North Carolina.

Power to deal in real and personal property. To loan money on crops.

Sec. 4. That the said bank shall have power to buy, sell, lease, hold and exchange, and encumber by mortgage or otherwise, real and personal property, with all the rights and privileges connected therewith, and to loan money secured by a lien on crops growing or to be grown.

Liability of stockholders.

Sec. 5. That the stockholders of said corporation shall be liable individually, and not for each other, for any contract and liability

of said bank to the amount of their stock therein at its par value, in addition to the amonnt invested in said stock.

Board of directors.

Sec. 6. The affairs of the corporation shall be managed by a board of directors, who shall be elected annually by the stockholders. The directors so elected shall choose a president and vice-president, who shall hold for one year and until their successors shall have been duly elected. They shall also elect a cashier and such other clerks and assistants as shall be necessary to a successful operation of the business, who shall serve until their successors are chosen. A majority of the board shall constitute a quorum for the transaction of business, and may fill vacancies occurring in its body till the next annual meeting of the stockholders. It shall be the duty of the board of directors, and they are hereby fully empowered, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also to fix the salaries of all officers and employees, and fix the bonds of all such officers and employees as they may require to give bond.

Other officers and employees.

Quorum of directors.

Vacancies.

Rules, regulations and by-laws.

Salaries and bonds.

Transfer of stock.

Sec. 7. That no stock held in this corporation shall be transferred except on the books of the corporation, in person or by written power of attorney, and no stock shall be transferred from any one indebted in any way to said corporation, without the consent of a majority of the directors in meeting expressed; and the stock of any debtor shall be liable for such debt and shall be effected with a lien for such indebtedness: *Provided*, this condition shall be printed on the certificates issued by this corporation.

Stock liable for indebtedness.

Proviso.

All acts done by Bank of Nashville prior to this act ratified.

Sec. 8. That subscriptions already made, or that may be made, to the stock of [the] Bank of Nashville, the election of directors, officers had, and other acts done or that may be done before the granting of this charter, for and in the name of the said bank, not inconsistent with said charter, are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter is granted.

Power to act as fiduciary, personal representative, guardian, etc.

Sec. 9. The said corporation is hereby authorized and empowered to accept and exercise any trust of any description which may, by its consent to, be committed or transferred to it by any person or persons, by any bodies politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian or assignee, wherever such appointment is made or conferred by any person or court of this State, or any other State, or the United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals are in the same capacity.

Deposits of married women or minors.

Sec. 10. That when married women or minors shall deposit money or other things of value in said bank to their own credit, they may withdraw the same on their own order or check, and be bound

thereby, and such individual check or order of any such minor or married woman shall be an absolute release and discharge of said bank from liability for the same.

Real estate, how conveyed.

Sec. 11. That any real estate held by the corporation may be conveyed by deed, signed by the president and cashier, and with the corporate seal affixed thereto.

Sec. 12. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 382.

AN ACT TO INCORPORATE THE YANCEYVILLE, REIDSVILLE AND BURLINGTON RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That T. P. Womack, F. J. Florence, A. E. Henderson, James A. Poteat, L. M. Neal, F. A. Pierson, B. S. Graves, W. N. Hanelson of Yanceyville, North Carolina; J. R. Webster of Reidsville, North Carolina, and Thomas L. Sellars of Burlington, North Carolina, and such other persons and corporations as they may associate with them, and their successors and assignees, shall be

Body politic.

and they are hereby constituted and ordained a body corporate and

Corporate name.

politic by the name of "The Yanceyville, Reidsville and Burlington

Powers.

Railroad Company," and by that name shall have all powers, privileges and franchises necessary and proper to locate, construct, maintain and operate a railroad from some point on the Atlantic and Danville Railroad, through Yanceyville, North Carolina, to Reidsville, North Carolina, and to Burlington, North Carolina, or any part of said proposed line.

Capital stock. Shares.

Sec. 2. The capital stock of said company shall not be less than twenty-five thousand dollars nor more than one million dollars, to be divided into shares of fifty dollars each; and whenever twenty-five shares shall have been subscribed and five per centum paid in, the subscribers, under the direction of any five of the incorporators

Organization. Directors and officers.

herein named, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and, therefore, they shall have and exercise all the powers and privileges of a corporation under their charter and the laws of

Proviso. Time in which to commence.

this State: *Provided, however,* that unless the said company shall, within two years from and after the date of the passage of this act,

actually commence to locate, concluding said railroad, or some part thereof, this charter shall be forfeited: *Provided further*, that the capital stock of said corporation may not be increased over the amount of one hundred and twenty-five thousand dollars until a license so to do is granted by the Secretary of State, after the payment by said company to the State Treasurer of forty cents for each one thousand dollars of capital stock authorized by the Secretary of State in excess of one hundred and twenty-five thousand dollars.

Proviso. Increase of capital stock.

Sec. 3. In all meetings of stockholders, each subscriber who shall have paid all calls on his stock theretofore made shall be entitled to one vote for each share of stock held and owned by such subscriber.

Voting power.

Sec. 4. That the president and directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient, consistent with the Constitution and laws of the State and of the United States.

By-laws.

Sec. 5. That at any time after the passage of this act, any three or more of the aforementioned corporators may open books at such time and such places as they may select, for the purpose of securing and receiving subscriptions to the capital stock of this company, or from any mining, manufacturing or real-estate investment company, or from any township, town or city or county in North Carolina that may be interested in the construction of said railroad; and the said company may receive subscriptions to the capital stock, or payment, in whole or in parts, of such subscription in any property, real or personal, and upon such terms and at such rates and value as shall be agreed upon by a majority of the board of directors of the company; and the said company may acquire, by purchase or grant, mineral or other lands, not exceeding one hundred thousand dollars in value, at any point within twenty miles of its line of road or any of its connecting roads, and may dispose of the same by deed, or may develop and mine the same.

Books of subscription.

Payment of subscriptions.

Mineral lands, etc.

Sec. 6. It shall be lawful for any county, township, city or town through or near which said railroad may run to subscribe for and hold stock in said company, or any section thereof, in case any section be built alone. Whenever such subscription shall be authorized, under the provision of this act, by a majority of all the qualified votes of such county, township, city or town, and any township through which or near which said railroad passes so voting said subscription shall be constituted a corporation, with full power to subscribe to the capital stock of said company, as provided in this act, and to assume and contract indebtedness for the purpose of payment of said subscription; and shall have authority, through the Board of County Commissioners of the county in which such township is situated, as authorized by this act, to issue bonds of

Subscriptions by counties, townships, etc.

Necessary powers granted counties, etc.

such township and to provide for the levy and collection of taxes on property and polls to pay the accruing interest on said bonds, and the principal when the same falls due.

Petition for county and town elections.

Sec. 7. That in case any county or town through or near which said road is located desires to subscribe for stock in said company, it shall be the duty of the Board of Commissioners of said county, upon the petition of not less than one-fourth of the freeholders and resident tax-payers and voters of the county, to provide for the submission of the question of subscription to the qualified vote of such county, and in case the same is adopted by said voters, then the bonds shall issue, and taxes to pay the same shall be levied as is prescribed by the general laws as are contained in chapter forty-nine of The Code of North Carolina.

The Code.

Elections to be ordered.

Sec. 8. That upon the presentation of a petition signed by at least one-fourth of [the] resident freeholders and voters of any township, city or town through or near which said road shall have been located, to the Board of County Commissioners in which such township, city or town is situated, requesting such commissioners to submit to the vote of the qualified voters of this township, city or town, as the case may be, a proposition to subscribe a definite sum named in the petition to the capital stock of the "Yanceyville, Reidsville and Burlington Railroad Company," it shall be the duty of such Board of Commissioners, within sixty days, to order an election to be held at the various voting places in the township, city or town so petitioning, and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in the petition, at which election those in favor of such subscription shall vote "Railroad," and [those] opposed shall vote "No Railroad." In townships said elections shall be held, registrars, poll-holders and judges appointed, and the registration of votes taken in the manner provided by law for election of members of the General Assembly; and in cities and towns as provided by law for the Commissioners or Aldermen, except that in all said elections the poll-holders shall make returns within three days after the election of the votes cast to the Board of County Commissioners of the county, who shall, on the third day after the election, canvass the returns, declare the result and cause the same to be entered on their minutes.

Ballots.

Elections, how conducted.

Returns.

Townships, etc., subscriptions and bonds.

Sec. 9. That in case any township shall, as herein provided, authorize a subscription as provided in this act, the chairman of the Board of County Commissioners, and in case any city or town shall, as herein provided, authorize a subscription as provided in this act, then the Mayor or the chairman of the Board of Commissioners or Aldermen, shall, within sixty days after said vote be ascertained, subscribe the amount authorized by the vote of such township, city or town, respectively, in stock to said company, to

be paid for in the bonds of such township, city or town, respectively, or their face value.

Form of bonds.

Sec. 10. To provide for the payment of such subscription made as provided in this act, the Board of County Commissioners, in case of township subscription, and the Board of Town Commissioners or Aldermen in case of town or city subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the said bonds shall, upon their face, indicate on account of which township, city or town they are issued, and the condition upon which they are issued. Said bonds shall be in denominations of not less than fifty nor more than five hundred dollars, and bear interest not exceeding six per centum per year, payable annually or semi-annually, at such time and place as may be then directed; such township bonds so authorized to be issued to be signed by the chairman of the Board of County Commissioners and countersigned by the Register of Deeds of the county; and such town or city bonds so authorized to be issued to be signed by the Mayor or chairman of the Board of Town Commissioners or Aldermen of the town, and countersigned by the Treasurer of the town, provided there be such Treasurer. That nothing herein contained shall authorize the consolidation of any competing lines or railroad companies in North Carolina.

Execution of bonds.

Special tax.

Sec. 11. To provide for the payment of said township bonds issued under the authority of this act, the Board of County Commissioners of any county wherever a township issuing the same may be situated, and to provide for the payment of said town or city bonds issued under the authority of this act, the Board of Aldermen or the Board of County Commissioners of such city or town issuing the same shall, in addition to the other taxes that annually may be levied upon the property and polls of such township, city or town, annually compute and levy, at the time of levying the other taxes or at any other regular meeting, upon the property and polls of said township, city or town, a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due, and to provide a sinking fund to pay off the principal of the same as the bonds may mature, which taxes shall be collected by the Sheriff or a Tax Collector to be annually appointed by the Board of County Commissioners of the county in which such township is situated, if the taxes be levied upon the subjects of the taxation in the township to pay the township bonds, and by the Tax Collector of a city or town to pay city or town bonds, and duly applied according to the payment of the interest and principal of the bonds provided for in this act, under the same rules and regulations and subject to the same penalties as are now applicable to Sheriffs and other officers in the collection and disbursements of State and county taxes.

Levy, collection, application, etc.

Individual liability.

Sec. 12. That the stockholders in said company, whether private or other corporations, shall be liable for the debts of said company

to the amount only of the unpaid stock in said company held by them, respectively.

Power to take stock in other corporations.

Sec. 13. The said company is hereby authorized to subscribe to the capital stock of any connecting railroad company which is not a parallel or competing line, or to mining, manufacturing or real estate company situated on their own lines.

Branch roads.

Sec. 14. The said company shall have the power to construct, maintain, equip and operate such branch roads as the board of directors may determine to construct, maintain and operate, running from some point on its main line in any direction: *Provided, however*, that no such branch road shall exceed thirty miles in length.

Proviso.

Board of directors. Election. Term of office.

Sec. 15. The board of directors heretofore provided for shall consist of not less than five nor more than nine, who shall be elected by the stockholders at their annual meetings, to be held on such days as the stockholders, in their first meeting, may direct, and shall continue in office for the term of one year from and after their election and until their successors are elected and accept the duties of their offices; and in case of death, resignation or incapacity of the president during his term of office, then the board of directors shall elect one of their number to fill the unexpired term, and also elect a member of their board, as heretofore provided for, to fill the vacancy occasioned by the election of the president.

Power to borrow money, issue bonds, etc.

Sec. 16. The said company may, from time to time, borrow such sums of money as may be necessary for its purpose, and to secure such loans may issue its bonds, bearing interest at a rate not exceeding six per cent. per annum, and may sell, hypothecate and exchange said bonds on such terms as its president and board of directors may deem advisable, and may secure said bonds and the interest thereon by deeds of trust and mortgage conveying its property and franchises in whole or in part: *Provided, however*, that a lien of not more than forty thousand dollars per mile of single track on the main line and branches shall be created under the authority of this section; and said company may and is hereby authorized to consolidate its lines with that of any other connecting railway company whenever and upon such terms as a majority of its stockholders shall approve; and, to this end, full power and authority is hereby granted to such connecting road for that purpose: *Provided*, this road shall always remain a North Carolina corporation, so far as the rights of suing and being sued is concerned.

Proviso.

Proviso.

Shares of stock deemed personal property. Transfer of stock.

Sec. 17. The shares of the company shall be deemed personal property, and, as such, assignable and transferable on the books of said company, under such rules and regulations as may be fixed and prescribed by the board of directors, with the approval of a majority of the stockholders, who shall have power from time to

time to increase the capital stock of said company, so that it shall not exceed one million dollars, as aforesaid. Increase of capital stock.

Sec. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 383.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CLARENCE BARKER MEMORIAL HOSPITAL AND DISPENSARY."

The General Assembly of North Carolina do enact:

Section 1. Section one of Chapter 2 of the Private Acts of the adjourned session of 1900, entitled "An act to incorporate the Clarence Barker Memorial Hospital and Dispensary," ratified June 13, 1900, is hereby amended by striking out the words "one or two physicians," in the third line of said section, and by inserting in lieu thereof the words "eight other persons, at least three of whom shall always be members or communicants, for the time being, of All Souls' Church, aforesaid," and also by inserting after the word "pleasure," in the twenty-third line of said section, the words "to instruct and train women in the duties of nursing and attending upon the sick and disabled, and to award diplomas or certificates pursuant to the by-laws and rules of the hospital, to such nurses as shall be deemed thoroughly competent and reliable." Former act amended. Training of nurses etc.

Sec. 2. Section two of said act is hereby amended by adding thereto, after the last words of said section, the words "and the maintenance of a training school for nurses." Section 2 of former act amended.

Sec. 3. Section three of said act is hereby amended by striking out the words "one or two physicians," and by inserting in lieu thereof the words "eight other persons, at least three of whom shall always be members or communicants, for the time being, of All Souls' Church, aforesaid." Section 3 amended.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 384.

AN ACT TO AMEND THE CHARTER OF THE ATLANTIC AND WESTERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Former act amended.

Section 1. That chapter three hundred and sixty-two of the Private Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out section two thereof, and substituting therefor the following: "Sec. 2. That said company be and it is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks from some point at or near Goldsboro, in the county of Wayne, eastwardly through the counties of Wayne, Greene, Pitt, Beaufort, Martin, Washington and Hyde, and westwardly from some point at or near Goldsboro, in the county of Wayne, by such route or routes as the directors of said company may determine, through the counties of Wayne, Johnston, Harnett, Moore and Montgomery, and thence to or in the direction of Concord, Salisbury or Charlotte, and thence westwardly to the Tennessee State line. Said company may also build and operate branch lines, not exceeding twenty miles in length, for the purpose of reaching stone, timber and other products and material for railroad traffic, with the privilege of taking up and removing the iron and all other property of the company along said branch lines, and abandoning the same when the same shall become unprofitable."

Routes.

Branch lines.

Increase of capital stock.

Sec. 2. That said chapter be further amended by inserting, after the word "dollars" and before the word "the," in line four of section four, the words "and this company is authorized to secure an increase of its capital stock, not exceeding four million dollars, or any other amendment of its charter, in the office of the Secretary of State, by complying with sections twenty-nine and ninety-six of chapter two of the Public Laws of 1901."

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 385.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND TWO OF THE PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and two of the Private Laws of 1901 be and the same is hereby repealed. Charter of town of Pinnacle repealed.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 386.

AN ACT TO INCORPORATE "THE SOUTHERN SURETY AND CASUALTY COMPANY."

The General Assembly of North Carolina do enact:

Section 1. That E. P. Wharton, A. W. McAllister and R. G. Vaughn, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Southern Surety and Casualty Company," by which name they may sue and be sued, plead and be impleaded, and shall enjoy and possess all the rights, privileges, powers and immunities usually appertaining to corporations, and such as are granted or may hereafter be granted to corporations by the laws of this State. Incorporators. Body politic. Corporate name. Powers.

Sec. 2. That the principal office and place of business of said corporation shall be in Greensboro, N. C., but the board of directors may establish and maintain such branch offices and agencies in this and other States and countries as it may deem convenient and useful for the business of the corporation, and the duration of the existence of the corporation shall be unlimited. Principal office. Branch offices. Perpetual succession.

Sec. 3. That the officers of the corporation shall be a president, vice-president, secretary and treasurer, and such other officers as the board of directors may elect, and all officers shall be elected by the board of directors, who may elect one person to hold any two or more of the offices of the said corporation, and the entire management of the corporation shall be in the hands of the board of directors, which shall consist of such number as may be determined by the by-laws; said board of directors to be annually chosen by the stockholders. Officers. Management and control.

Sec. 4. The stockholders shall adopt by-laws for the government of the corporation, and may alter, amend or repeal the same at pleasure, and none of the stockholders shall be individually liable for the contracts, debts or torts of the corporation. By-laws. Individual liability.

Surety and bonding business. Indemnity against employers' liability, etc.

Sec. 5. That the said corporation shall have power to execute and to become surety on bonds and undertakings of all kinds, to guarantee the contracts and undertakings of any person or persons, firm or corporation; to guarantee, indemnify and save harmless any employer or other person, firm or corporation against loss or damage by reason of injury to any employee or employees or other person or persons, firm or corporation; to guarantee, indemnify and save harmless any person or persons, firm or corporation from any damage or loss whatever, and generally to do all things proper and convenient and not inconsistent with the law in the conduct of a bonding, fidelity and surety business, and of an employer's liability and accident insurance business.

Capital stock. Shares. May begin business, when.

Sec. 6. The authorized capital stock of this corporation shall be two hundred thousand dollars ($200,000), divided into two thousand shares of the par value of one hundred dollars ($100) each, but shall be fully authorized to begin business when fifty thousand dollars ($50,000) of the capital stock shall have been subscribed and paid in, in cash.

Investment of assets.

Sec. 7. The board of directors of said corporation may invest the capital and assets of said corporation in United States bonds, the bonds of any State, county, city or other safe stocks, bonds or other property, and, after paying expenses and setting aside such reserve as may be required by law, may dispose of the surplus as prescribed by the by-laws.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 387.

AN ACT FOR THE RELIEF OF W. M. WALL, SCHOOL-TEACHER OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Authority to pay school claim of W. M. Wall.

Section 1. That the Board of Education of Surry County be and they are hereby authorized to pay to W. M. Wall the sum of twenty dollars ($20) out of any moneys belonging to the county, if in their discretion they find it just and due and unpaid; the said sum to be taken from the general school fund of Surry County. But said claim shall not be paid until approved by the School Committee of the district, the County Superintendent and the County Board of

When and how paid.

Education; and said claim, if approved, must be paid from the fund belonging to the school district.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of Mareh, A. D. 1903.

Chapter 388.

AN ACT TO INCORPORATE THE SPENCER SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That J. A. Davidson, Lee H. Battle and W. S. Thomson, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "The Speneer Savings Bank," with its principal place of business in the city of Speneer, and by that name may sue and be sued, plead and be [im]pleaded in any court of the State, and have a continual succession of the term of thirty years, with the rights, powers and privileges of corporations and banks under the general laws of the State.

Incorporators. Body politic. Corporate name. Powers.

Sec. 2. The capital stock of said corporation shall not be less than ten thousand dollars, in shares of one hundred dollars eaeh, and such capital stock may be increased from time to time as said corporation may elect, by a vote of its shareholders, to a sum not exceeding one hundred thousand dollars.

Capital stock. Shares. Increase.

Sec. 3. Whenever five thousand dollars be subseribed and one-half paid in the capital stock of said eorporation, the above-named corporation, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, to organize said corporation; and such stockholders shall elect sueh directors as are hereinafter provided by section four of this act, who shall hold their office for one year and until their successors shall be ehosen; and said directors shall eleet a president and such other offieers as they may think proper, to serve during their continuance in office. The remaining half of said subseribed eapital shall be paid within one year after [the] bank begins business.

First meeting. Organization. Election of directors and officers.

Sec. 4. The officers of this corporation shall consist of a president, vice-president, cashier, teller and such other offieers as may be provided in the by-laws, and a board of direetors, not less than seven nor more than nine directors, who are to be eleeted annually by the stockholders, and are to hold office until their suceessors are duly chosen. The directors so elected shall appoint offieers aforesaid. It shall be lawful for one person to perform the duties of

Officers. By-laws.

Voting power.

more than one office in said corporation, and [at] all meetings [of] stockholders each share shall be entitled to one vote.

Duties of board of directors.

Sec. 5. It shall be the duty of the board of directors, and they are hereby empowered, to make rules and regulations and by-laws for the government of the said corporation and for the conduct of its business; also to fix the salaries of its officers and to fill vacancies on its board. A majority of said board shall constitute a quorum to do business. They may adopt and use a common seal, and alter the same at pleasure.

Savings bank business.

Sec. 6. The corporation is especially invested with the power and authority to carry on, conduct and operate a savings-bank business in all its branches, and may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by the way of dividends out of the net earnings or at fixed rates, according as it may be agreed between its [the] company and its depositors; and the board of directors are thereby to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of its corporation, and shall also have a right to conduct a general banking business.

Power to hold, etc., real and personal property.

Sec. 7. Said corporation may purchase and hold all such real and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation or sold under execution or order of any court to satisfy any debt due to it, and may sell and convey and exchange the same at pleasure, and use or re-invest the proceeds thereof as may be deemed best; and said corporation is hereby authorized and empowered to invest the capital stock or funds of said company, or such money and funds as may be deposited with said company for that purpose, from time to time, in the stocks, bonds or other securities of the United States or of this or any other State of the United States, or of any corporation under the laws thereof, or any other stock or property whatsoever, and to dispose of the same in such manner as may appear to said company most advantageous.

Deposits.

Sec. 8. Said corporation may receive [on] deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree upon; and if money be deposited by a minor or *feme covert*, such money may be withdrawn by the minor or *feme covert* without the consent of the parent or guardian or husband of said minor or *feme covert;* and his or her check on receipt shall be binding upon said minor or *feme covert* as if he or she were of full age, and fully discharge said corporation from any and all liability therefor.

Married women and minors.

Sec. 9. Said corporation shall have power to receive moneys in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, desire [devise] or bequest, and hold any personal or real estate in trust created in accordance with the laws of this State, and then to execute the same on such terms as [may] be established and agreed upon by its board of directors; and said corporation is hereby authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts in this State, and pay therefor such interest as may be agreed on, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stock, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which charges shall be a lien upon said deposit until the same be paid; and generally to do and carry on the business of a deposit company; and any receiver, executor, administrator, assignee, guardian or committee of a lunatic, and any public officer is hereby authorized, in their discretion, to deposit with said company for safe keeping any money or bonds, stocks, securities or other valuables which have or may come into his possession or under his control by virtue of his office or appointment aforesaid.

May execute trusts, etc.

Safety deposits.

Deposits of trustees, etc.

Sec. 10. The stock of this corporation shall be transferred only on the books of the company, either in person or by power of attorney; and no stockholder shall transfer his stock except by the consent of the directors of the corporation, if he be indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged; and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder. The stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, of all debts, contracts and engagements of the corporation to an amount equal to their stock therein, in addition to the amount invested in such shares.

Transfer of stock.

Lien on stock for indebtedness of stockholder.

Individual liability.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 389.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE, IN THE COUNTY OF GATES.

The General Assembly of North Carolina do enact:

Manufacture and sale of liquor prohibited.

Section 1. That it shall be unlawful to manufacture or sell intoxicating liquors of any kind in said town.

Election of town officers, when.

Sec. 2. That the next election for officers of said town shall be held on the first Thursday of May, 1903.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 390.

AN ACT FOR THE RELIEF OF CAPT. B. P. GRIGSBY, A PUBLIC SCHOOL-TEACHER OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Authority to pay Capt. B. P. Grigsby $----- for teaching.

Section 1. That on the presentation of an order, properly signed by a majority of the Public-school Committee of Districts Nos. .. and .., for [the] white race in Ashe County, the Public Treasurer of Ashe County is authorized and directed to pay to Capt. B. P. Grigsby the sum of $.... for teaching public schools in said districts for the years 1902 and 1903, out of the school funds belonging to said districts.

Orders, how countersigned.

Sec. 2. That on account of the said B. P. Grigsby's inability to attend the Institute of Ashe County, caused by sickness, the Superintendent of Schools for Ashe County is authorized and directed to countersign the orders of said committee, when signed by a majority of same, for said funds.

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 391.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-THREE OF THE PRIVATE LAWS OF NORTH CAROLINA, RATIFIED ON THE SIXTH DAY OF MARCH, ANNO DOMINI EIGHTEEN HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and thirty-three of the Private Laws of North Carolina, ratified on the sixth day of March, Anno Domini eighteen hundred and ninety-nine, be amended by striking out the word "Winston" and inserting in lieu thereof the word "Lexington." Principal office of Yadkin Mining, Smelting and Manufacturing Company changed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 392.

AN ACT TO INCORPORATE THE CONCORD LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That J. M. Odell, W. H. Lilly, D. B. Coltrane, W. R. Odell, L. D. Coltrane, J. L. Crowell, W. C. Houston, D. P. Dayvault, D. D. Johnson, J. P. Allison, J. S. Harris, and their associates, successors and assigns,, are hereby constituted a body corporate by the name of "The Concord Loan and Trust Company," by which name said corporation shall have all franchises, rights and privileges incident to a corporation. Corporators. Corporate name. Powers.

Sec. 2. The corporators above named, or any three of them, may open books of subscription, and after five hundred shares of one hundred dollars each shall have been subscribed, upon ten days' notice issued by said corporators, or any three of them, the subscribers may meet and organize by the election of a board of five or more directors, who shall manage the affairs of the company for one year, or until their successors are elected, and said directors shall elect all necessary officers and agents. The company shall have authority to transact business whenever one thousand shares of one hundred dollars each have been subscribed to the capital stock and ten per centum paid thereon. Further assessments shall be paid in as called for by the directors. The capital stock may be increased from time to time by applying to the Secretary of State and com- Books of subscription. Organization. Board of directors. Other officers and agents. When to begin business. Further assessments. Increase of capita stock.

plying with the laws governing said increase, either by additional subscriptions of stock or by application of the surplus earnings of the corporation, and not more than one hundred thousand dollars of the same to be invested in real estate; and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders, *pro rata*. At all stockholders' meetings, each share of stock shall be entitled to one vote, either in person or by proxy.

Investment in real estate.

Stock dividends.

Voting power.

Corporate powers.

Sec. 3. The corporation hereby created shall have power to make contracts, to have and use a common seal, to sue and be sued, complain and defend in any court as fully as natural persons, to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body or natural person may do.

General banking business.

Sec. 4. That said company shall have power to borrow money in such amounts and at such rate of interest, and payable at such times and places as the board of directors may determine, and issue its notes in its corporate name, and certificates or registered or coupon bonds under its corporate name and seal. It may receive money on deposit, on open account, or on certificate of deposit, and pay interest thereon, or not. It may receive on deposit, for safe keeping, gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor. It may guarantee or become surety upon any official or other bond or undertaking required or authorized by law; and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come in the possession, custody or control of trust moneys or funds, either as guardians, executors, administrators, collectors, receivers or trustees of any sort, or as employees of any person, company or corporation, however or by whomsoever chosen or appointed, under such regulation as may be provided in the by-laws, and may receive therefor compensation: *Provided*, the above and other things of similar nature done by the company shall be consistent with the laws of the State.

Surety on official and other bonds.

Proviso.

Banking powers.

Sec. 5. The said company may loan money on mortgage or deed of trust conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said company fails to meet his obligations, it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses,

and, in case of sale of either real or personal security, make title to the purchaser.

Power to act as fiscal or transfer agent.

Sec. 6. The said company may act as the fiscal or transfer agent of, or trustee for, any State, county, municipality, body politic or corporation, or for any person or persons; and, in such capacity, may receive and disburse money, and sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

Liability of company's property when trustee or for deposits.

Sec. 7. Whenever the said company shall be appointed to any place of trust specified in this act, or whenever deposits of money or valuables of any kind shall be made with said company, the capital stock and its property and effects shall be taken and considered as security required by law for the faithful performance of its duties, and shall be absolutely liable therefor, and no other security shall be required from it on the execution of the bond required, where one is now required of any natural person acting in such capacity: *Provided*, that when this corporation becomes administrator or guardian, it shall make bonds in the same amount and with such security as is required of other administrators and guardians.

Bond as administrator or guardian.

Personal representative fiduciary, etc., may deposit property for safe keeping.

Sec. 8. That it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer or other person having the custody of any bonds, stocks, securities, moneys or other valuables, to deposit the same for safe keeping with said company.

Power of courts over company when representative, fiduciary or depository.

Sec. 9. That every court where said company shall be appointed or shall be allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and require said company to render all accounts which said courts might lawfully make or require if such company were a natural person.

General banking business.

Sec. 10. That said company is authorized to invest moneys, receive interest on deposit, loan or otherwise, and to take, have and hold estates, real, personal and mixed, obtained with the moneys aforesaid, or with funds belonging to said company, and to sell, grant, mortgage or otherwise incumber, lease or dispose of same, and to that end may execute all deeds or other instruments concerning the same as hereinbefore provided; to subscribe for and take stock in any other incorporated companies; to borrow and lend money, and give or take notes therefor, as the case may be; discount, buy and sell notes, bonds, drafts and other securities or evidences of debt; to lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate, with privileges to charge and retain the same in advance, and secure the payment thereof by mortgages or deeds in trust made directly to said company, or to others in trust for it, on all kinds of property; to act as agents for others in borrowing and lending money, charging such

compensation therefor, by way of commissions, as may be agreed upon by said company and the party for whom it is acting; to deal in exchange, foreign or domestic, securities, mortgages, bonds, certificates of indebtedness, stock of incorporated companies, notes, loans, bonds of the United States, or of any city, county or any incorporated company or individual.

Powers of guaranty and endorsement.

Sec. 11. That said company shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, charters, rents, annuities, mortgages, choses in action, evidences of debt, certificates of property of value, check, and the title of property, indebtedness of companies, partnerships, cities, counties, municipalities, *et cetera*, in this State and others, on such terms or commissions as may be agreed upon or established by said company and the parties dealing therewith.

Advertisement required for sale of security property other than real estate where fraud, misrepresentation or concealment.

Sec. 12. That as to all property held by said company as security, it shall be lawful for the said company to sell at public auction or private sale, in its discretion, all property of what kind soever mentioned or specified in any contract or agreement between the company and other parties, real estate excepted, after ten days shall have elapsed from the time of maturity of any obligation under said contract or agreement, or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership or otherwise which might jeopardize the rights of the company or its security, after ten days' advertisement of the time and place of sale, by bills posted at the court-house door in Concord, North Carolina, and three other public places in Cabarrus County; and to reimburse itself out of the proceeds of such sales for the money due it, with interest, storage, cost and other charges of all kinds, and to indemnify itself for any loss it may have sustained by the nonfulfillment of such contract, or by reason of said misrepresentation, fraud or concealment.

Disposal of proceeds of sale.

Execution of business papers.

Sec. 13. That the said company is authorized to make, execute and issue, in the transaction of its business, all papers, receipts, certificates, vouchers, obligations and contracts, and the same shall be binding if signed for and in behalf of the company by the president or other chief officer thereof, except for sale or transfer of real estate, which is herein provided for, unless otherwise provided for in the by-laws.

Deposits of married women, minors and apprentices.

Sec. 14. That when married women, minors or apprentices lend money to, or deposit same, or other things of value, with said company in [the] course of the business herein provided for, or in the course of doing a banking business herein provided for, either generally or specially, in their own or to their own name so credited, they or any of them may collect or draw the same in their own name or on their own check or order, and they and all other persons be bound

thereby, and such collections, settlement, draft, checks or orders shall be a valid and sufficient release and discharge to said company.

Savings bank business.

Sec. 15. That said Loan and Trust Company is hereby authorized and empowered, at any time hereafter, by a resolution of the stockholders and a full compliance with the laws of this State relative thereto, in force at the time of the adoption of such resolution, to organize, in connection with its general business, a department for savings, and do a savings-bank business for the convenience of small depositors, and to make such regulations in regard thereto as will enable said company to receive small deposits in the savings department, and to give certificates or other evidences of deposit, paying such interest thereon as may be agreed upon, consistent with the laws of the State as to the rate, and to regulate the time of payment and notice of demand.

Principal office.

Branch offices.

Sec. 16. That said Loan and Trust Company shall have its chief office at Concord, Cabarrus County, North Carolina, with branch offices at such other places as the stockholders may fix upon at any time: *Provided*, said corporation shall comply with all the laws of this State and pay all taxes to the State Treasurer required for branch banks.

Power to act as personal representative, guardian, fiduciary or depository.

Sec. 17. That said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage, convey any property or estate, real or personal, which may be the subject of any such trust, and, for compensation, shall have such commission as may be fixed by law or as may be agreed on.

Investment of trust funds.

Sec. 18. That said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities; but all such investments shall be the sole risk of the company, and for any loss by reason of such investments, the capital stock, property and effects of said corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Income from trust funds.

Individual responsibility of stockholders.

Sec. 19. The stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Corporate existence.

Sec. 20. That said corporation shall exist and be in force and effect, with all the powers conferred, for the term of sixty years from and after the ratification of this act.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

Chapter 393.

AN ACT TO INCORPORATE THE PIEDMONT CENTRAL RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Richard Eames, Jr., P. H. Thompson, J. Samuel McCubbins, R. M. Eames, D. L. Arey, N. B. McCanless, F. H. Manney, James McCorkle, J. C. McCanless, W. F. Snider, J. M. Maupin, M. L. Bean, C. L. Welch and Edwin C. Gregory, and their associates, successors and assigns, be and they are hereby constituted and ere-

Corporate name.

ated a body politic and corporate under the name of "Piedmont

Corporate powers.

Central Railway Company," and as such may sue and be sued, plead and be impleaded in the courts of the State, and shall have the power herein granted. Said company shall have power and authority to make by-laws, to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to and will advance the interest of said company; to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change at pleasure; and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations.

Power to construct and operate a railroad.

Sec. 2. That said company is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks,

Location.

from some point in or near the town of Wadesboro, in the county of Anson, N. C., by such route or routes as the directors of said company may determine, through the counties of Stanly, Rowan or Montgomery, Davidson and Forsyth, to the town of Danbury, in the

Branch roads.

county of Stokes, N. C. That said company may also build branch roads, not exceeding fifty miles in length, from any point on its main line; and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such branch roads, as well as to the main line: *Provided,*

Paralleling North Carolina Railroad.

that said road or its branches shall not run parallel with the North Carolina Railroad for a greater distance than five miles. This com-

Use of road before complete.

pany shall have power to use any section or portion of its road or branches before the whole of the same shall have been completed,

and may charge tolls for the transportation of passengers and freight on and over its road and branches, and for the transmission of messages over, or use of its telegraph or telephone lines, and on such section or portion of said main line and branches.

Transmission of messages.

Sec. 3. That for the purpose of surveying, constructing, maintaining and operating said lines and branches of railroads, said company is hereby empowered: First, to cause such examination and survey to be made as shall be necessary to the selection of the most advantageous route or routes; and for such purposes its officers and agents, servants and employees may enter upon the land or water of any person or corporation. Second, to take and hold such voluntary grants of real estate or other property as may be conveyed or made to it to aid in the construction, maintenance and operation of its roads. Third, to purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its roads or stations, and all other accommodations necessary to accomplish the objects of its corporation, and to lease or buy lands necessary for its use. Fourth, to appropriate and occupy as much land as may be necessary for the construction of said railroads and their branches, of the width of one hundred feet, and as much additional land as may be necessary for the construction and operation of said railway and its branches. Fifth, to construct its road across, along and upon any stream of water, watercourses, streets, highways, canals, etc., which the route of the road shall intersect or touch. Sixth, to cross, intersect or join or unite with any other railroad heretofore or hereafter to be constructed at any point on its route or upon the ground of any other railroad company, with the necessary turn-outs, sidings and switches or other necessary conveniences in the construction of its roads, and may run over any part of any other railway's right-of-way necessary or proper to reach its freight or passenger depot in any city, town or village, or to reach any other point of its right-of-way otherwise inaccessible, through or near which its road or any branch thereof may run. Seventh, to take or convey persons or property over their roads by use of steam or any other mechanical power, and to receive compensation therefor, and to do all other things incident to railroad business. Eighth, to erect and maintain convenient buildings, warehouses, stations, fixtures or machinery, whether without or within a town, city or village, for the accommodation and use of their passengers and freight business. Ninth, to build and operate telegraph and telephone lines on its right-of-way. Tenth, to regulate the time and manner in which passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this State upon the subject. Eleventh, to borrow such sum or sums of money at such rates of interest not contrary to law and upon such terms as said company or its board of directors shall agree upon

Power to enter upon lands of another to survey, etc.

Corporate powers incident to construction and operation of road.

Power to borrow money and secure the same.

and may deem expedient and necessary; and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its roads, branches, or both, in process of construction by said company, for the amount or amounts borrowed or owing by said company. That said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with its roads in any manner, then belonging to said company, or which shall hereafter belong to it, as security for any bonds, debts or sums of money as may be secured by said trust deeds or mortgages, as they shall think proper.

Capital stock.

Sec. 4. That the capital stock of said company shall be one hundred and twenty-five thousand dollars. That said capital stock may be increased, from time to time, as a majority of [the] stockholders may determine: *Provided*, that the tax on said increase as provided by sections 96 and 97 of Chapter 2 of the Public Laws of 1901 shall be paid. The capital stock of said company shall be in shares of five dollars each, for which, when fully paid, certificates shall be issued, which shall be non-assessable, and each share shall entitle the holder to one vote; and the stockholders shall not be individually liable for the debts of the corporation. The stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company. Books of subscription shall be opened by the corporators, or a majority of them, at such time or times, place or places and under such rules and regulations as they or a majority of them may prescribe. Said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars shall have been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, and at such meeting the said subscribers to the capital stock shall elect a board of directors, consisting of not less than five nor more than eleven members, who shall immediately elect one of their number president of the company. That said company shall be authorized to begin the construction of its road at any point on the line projected for it, and operate any portion thereof and any branches before the whole is completed.

Shares.

Certificates of stock.

Voting power.

Stockholders' liability.

Transfer of stock.

Books of subscription.

Organization.

Directors.

President.

Beginning of construction and operation.

Subscriptions, in what made.

Sec. 5. The subscriptions to the capital stock may be made in money, land or other property, bonds, stocks or other valuable credits, leases, options, mines, minerals or mineral rights, rights-of-way, labor or services, in such manner and on such terms as may be agreed upon by the president and directors of said company; and if any subscriber shall refuse or neglect to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereof,

Forfeiture of stock for delinquency.

to the benefit and use of said company; but before declaring it forfeited, said stockholders shall have served upon him a notice, in writing, in person or by depositing said notice in the post-office, postpaid, directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named. Said notice shall be served or mailed sixty days prior to the day on which payment is required to be made. Notice to delinquent.

Sec. 6. That said company is hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this or any other State, whenever a majority of the stockholders of the company hereby chartered shall so desire, when the two or more roads so to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads; and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve. Power to consolidate and merge with other companies.

Sec. 7. That it shall be lawful for any railroad company created by the laws of this State or any other State, from time to time, to subscribe for, purchase or hold the stock and bonds, or either, of the company incorporated by this act, or to guarantee or endorse such bonds or stock; and it shall be lawful for any railroad company or companies to purchase, use or lease the road, property or franchises of the said company hereby incorporated for such time and upon such terms as may be agreed upon. Any railroad company may hold or guarantee stock or bonds of this road, or purchase or lease the same.

Sec. 8. That meetings of stockholders shall be held annually at such time and place, either in this State or another State, as may be determined by them, and at all such annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Meetings of stockholders. Annual account.

Sec. 9. That the president and board of directors of said company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of its railroad. The directors shall be elected by the stockholders annually, and shall remain in office one year, and in case of vacancies occurring, by death or resignation, in the office of directors, the same may be filled by the directors until the next meeting of the stockholders. Other officers and agents. Election and term of office of directors. Vacancies, how filled.

Sec. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of its railroad and business. And authority is hereby given to the said company to borrow money to Power to make expenditures and contract debts. Power to borrow money and secure the same.

such extent and in such manner as may be authorized by the stockholders, and to pay thereon such rates of interest as may be deemed advisable, and to issue therefor such bonds, whether coupons or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchise of the company, or any part thereof.

Power to condemn land.

Sec. 11. That said company shall enjoy all benefits and be subject to the provisions of sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive, volume one of The Code of North Carolina, in respect to the acquisition of land by condemnation.

Provisions for contiguous counties, townships, cities or towns to subscribe to capital stock.

Sec. 12. That it shall be lawful for any county, township, city or town in or through which the said railroad may be located, which is interested in its construction and operation, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as a majority of the qualified voters may authorize the County Commissioners of such county or the municipal authorities of such town to subscribe.

Subscribing counties, townships or towns entitled to representation in stockholders' meetings.

Sec. 13. That in all conventions of stockholders of said company, such counties, townships or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such town or the County Commissioners of the respective counties or townships in such counties.

Allowed to obtain and hold property, etc., of other companies.

Sec. 14. That it shall be lawful for said railroad company, from time to time, to subscribe for, purchase or hold the stock and bonds of any other company incorporated under the laws of this State, or to guarantee or endorse such bonds or stock, or either of them, and to lease, use or purchase the road, property or franchise of any such company for such time and upon such terms as may be agreed upon.

Corporate existence.

Sec. 15. That this charter shall be continued for sixty years.

Sec. 16. That this railroad shall run through Winston-Salem, Forsyth County.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 394.

AN ACT TO EMPOWER THE ALDERMEN OF THE CITY OF SALISBURY TO BORROW MONEY TO PAY INDEBTEDNESS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The power and authority is hereby given to the Aldermen of the city of Salisbury to borrow the sum of eight thousand dollars to pay the indebtedness of said town. Given power to borrow $8,000.00.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 395.

AN ACT TO AMEND THE CHARTER OF GERMANTON, STOKES COUNTY, N. C.

The General Assembly of North Carolina do enact:

Section 1. That the charter of Germanton, Stokes County, N. C., be amended as follows: that the Town Commissioners or the Mayor may hire a police and pay for same out of the general funds. Power to hire police.

Sec. 2. That the Mayor is empowered to hire out or send to the Forsyth County or other public roads any person convicted of minor offences to serve out sentence. Power to hire out, or send to Forsyth roads, convicted persons.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 396.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO, N. C., AND PROVIDE FOR THE ELECTION OF THE MAYOR AND CHIEF OF POLICE BY THE VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 195, Private Laws of 1889, be amended as follows: That all of section five after the word "office," in line three, be stricken out, and insert in lieu thereof the following words: Chapter 195, Private Laws 1889, amended.

Provisions for election of mayor and chief of police by vote of people.

There shall, on the first Monday in May, 1903, and annually thereafter, be elected by the qualified voters of said town a Mayor and Chief of Police for said town, who shall hold their offices until their successors are elected. The Mayor and Chief of Police shall be voted for in each ward, and the persons receiving the highest number of votes shall be declared elected. The Mayor shall preside over the meetings of the Commissioners, and vote in case of a tie, and then only.

Mayor's duties at commissioners' meetings.

Lines 1 and 2, section 24, amended.

Sec. 2. That section twenty-four (24) be amended by striking out all the words from and including the word "a," in line one, down to the word "and," in line two; also by striking out the word "Policeman," in line three of said section.

Sec. 3. That said act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 397.

AN ACT TO INCORPORATE THE SOUTHERN SECURITIES AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. J. D. Boushall, George C. Heck, E. B. Ferebee, J. H. Boushall, and their associates and successors, are hereby created a

Corporate name.

body politic and corporate under the name and style of "South-

Corporate powers.

ern Securities and Trust Company," and by said name shall have all the franchises, rights and privileges incident to a corporation as authorized by the General Corporation Act of the laws of this State.

Location of offices.

Sec. 2. The location of its principal office shall be at Raleigh, Wake County, N. C., but the corporation may have branch offices and places of business elsewhere.

Capital stock.

Increase.

Sec. 3. The amount of the capital of the corporation is fixed at fifty thousand dollars, with privilege of increasing the same, from time to time, to such amount as the stockholders may by vote direct, within the limit provided by law, which capital stock shall be

Shares.

divided into five hundred shares of the par value of one hundred

When to organize and commence business.

dollars per share. The corporation may organize and commence business whenever as many as fifty shares of capital stock have been subscribed for and the subscribers have entered their names therefor on the books of the corporation.

Objects for which corporation formed.

Sec. 4. The objects for which the corporation is formed are as follows: Buying and selling, for itself and as agents of other corporations or individuals, bonds, notes, stocks, choses in action and all

kinds of securities, real estate and personal property of every nature; conducting a general brokerage and commission business in any or all of its branches; negotiating loans and endorsing or becoming surety on notes and bonds, and charging and receiving pay therefor; acting as trustees or mortgagees in deeds of trust and mortgages, securing notes or bonds or providing indemnity against loss, and other similar objects; acting as agent or trustee in writing and placing life insurance, fire insurance, accident insurance and health insurance and other kinds of insurance for corporations, companies and individuals; collecting rents and claims of all kinds, and acting as agent or trustee in leasing and managing real estate and personal property for corporations, companies and individuals; owning the stock of other corporations, with the same privileges as individuals; doing a general banking business in all of its branches; acting as administrator, executor, trustee, guardian, assignee, receiver, commissioner or agent, under the same rules and regulations as individuals are authorized by law to act; doing a general trust-company business in all of its branches; conducting a warehouse and storage business in all its branches, with right to charge and receive pay therefor, and to issue warehouse receipts for articles stored; and generally to do and perform any and all things necessary to be done to properly conduct any branch of its business, and the right to conduct any other business not prohibited by law that the stockholders may authorize by vote in meeting assembled.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 398.

AN ACT TO INCORPORATE THE PROTECTION INSURANCE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That John B. Kenney, M. M. Kenney, E. C. Gregorie, their associates and successors, in the name and style of "The Protection Insurance Company," are hereby constituted a body politic and corporate, to have succession for ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any court of record or any other court or places whatsoever, and may have and use a common seal, and may purchase and hold such real estate and personal property as may be deemed necessary to effect the object of this association, and may sell and convey the same at

Corporators.
Corporate name.
Corporate existence.
Corporate powers.

pleasure, and may make, establish and put in execution such by-laws, ordinances and resolutions as may be necessary and convenient for their regulation and government and for the management of their affairs, and to execute all such acts and things as may be necessary to carry into effect the provisions of this act.

Directors.

Sec. 2. That the affairs of this company shall be governed and managed by a board of directors, to consist of not less than three nor more than fifteen, as may be regulated by the by-laws of the company, and three directors may constitute a quorum for the transaction of business, unless the by-laws prescribe a greater number.

Quorum.

Corporators, directors, till others chosen.

Sec. 3. The persons named in the first section of this act are hereby constituted a board of directors, to serve as such until others are chosen, as may be provided by the by-laws of the company.

Officers.

Sec. 4. That the board of directors may choose such officers and for such length of time as they may by a majority vote determine.

Offices.

Sec. 5. That the directors may establish the home and branch offices of the company at such places as they may think best, and these offices may be removed to other points at their discretion.

General insurance business.

Sec. 6. That this company may insure and re-insure its business against loss or damage by fire, lightning, water, wind or tornado, or may do any other insurance whatever that the directors may deem proper, including life, accident, steam boiler, use and occupancy, sprinkler, employees' liability and surety business; and this company is hereby vested with all powers that any insurance company has or may have to transact business in this State; and they may charge and receive such premiums as may be agreed upon by their company and the parties insured, and the payment of such premiums may be made in cash or by note, as may be decided upon by the board of directors.

Mutual or joint stock insurance business.

Sec. 7. That this company shall have authority to transact business as a mutual or a joint stock insurance company, or may combine the two, as the stockholders or members may decide.

If mutual company only, when may commence business.

Sec. 8. If the company should transact business as a mutual company only, they shall be authorized to commence business as soon as fifty or more persons shall have agreed, in writing, to become policy-holders and have made application for at least one hundred thousand dollars insurance.

If stock company, when to commence business.

Sec. 9. If the company should transact business as a stock company, it shall be authorized to commence business as soon as twenty-five thousand dollars shall have been subscribed to the capital stock and paid in, with the privilege of increasing same as a majority of the directors may from time to time determine: *Provided*, fee is paid Secretary of State upon each and every increase, if same be necessary under the laws of the State; said stock to be paid in or subscribed for in such a way and manner as the board of directors may determine.

Increase of capital stock.

Stock, how paid in, etc.

When to commence business if stock and mutual company.

Sec. 10. If the company should decide to transact business as a stock and mutual company, it shall be authorized to commence business when the provisions of both the preceding sections shall have been complied with.

Liability of stockholders.

Sec. 11. That the stockholders of said corporation shall not be liable for any loss or damage or responsibility in their person or property other than the property they have in the capital stock or funds of said corporation.

Liability of policyholders who participate in profits.

Sec. 12. That the policy-holders of said corporation, who may hold policies which participate in the profits of the company, may be held liable in the event the funds of the company may not be sufficient to meet any losses for an assessment on the premium paid by them as may be regulated by the by-laws of the company.

Investment of company funds.

Sec. 13. That the board of directors may invest and employ the funds of the company in such way and manner as they may judge that the interest and the welfare of the company may require, subject to the general insurance laws of this State.

Vote of policyholder if mutual company.

Sec. 14. That in the event this company should transact business as a mutual company, each policy-holder shall have one vote in all meetings of policy-holders, and may authorize any other policy-holder to act as his proxy. In the event the company transact business solely as a joint stock company, or should it transact business as a mutual and stock company, the affairs shall be managed by the subscribers to the capital stock only, subject to such by-laws as may be adopted.

If stock company, affairs, how managed.

Power to represent other companies.

Sec. 15. That said company shall have power to represent, as agent or attorney, any life, fire, marine, accident, surety or trust company, or any corporation or individual authorized to do business under the laws of the State of North Carolina.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 399.

AN ACT TO INCORPORATE THE BANK OF CHINA GROVE.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. A. Davidson, W. S. Thomson and Lee H. Battle, and their associates and successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Bank of China Grove," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead

Corporate name.

Corporate powers.

and be impleaded in any of the courts of the State, and have a continuous succession for thirty years, and a common seal for the purposes indicated in this act.

Capital stock. Sec. 2. That the capital stock of said corporation shall not be less than ten thousand dollars, which may be increased from time to time to a sum not exceeding fifty thousand dollars, in shares of fifty dollars each. Said corporation may commence business when five thousand dollars shall have been paid in.

Increase.

When to commence business.

Directors. Sec. 3. That the affairs of the corporation shall be governed by a board of not more than nine nor less than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year and until their successors shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding meeting; to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also to appoint its officers and fix their salaries.

President and vice-president.

Vacancies.

By-laws, etc.

Appointment of officers and salaries.

Office, location. Sec. 4. That the office or banking house of the corporation shall be located in the town of China Grove, North Carolina.

General banking business. Sec. 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institution by the laws of North Carolina, and shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange, gold and silver coins, stocks, bonds, notes and other securities; to buy and sell real and personal property; to lend money on personal security, or to make loans, secured by real or personal property; to receive deposits; and, for the use and loan of money, may charge a rate of interest per annum as high as may be allowed by the laws of the State, and may take and receive said interest at the time of making said loan, free from all other control or liability whatsoever. When married women or minors shall deposit money or other property in the bank to their own credit, in their own name, they may withdraw the same on their own individual check, and be bound thereby. Deeds of real estate shall be made by the president and vice-president, under the seal of the corporation. When the bank shall cause to be sold any of the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid and purchase any and all such property, and its title thereto when so acquired shall be binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption.

Deposits of married women and minors.

Deeds, how executed.

May purchase property at its own sale.

Equity of redemption.

Transfer of stock. Sec. 6. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by attorney.

Sec. 7. This corporation is invested with the powers and privileges incident to savings banks; may receive deposits in very small sums, the limit to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings, or as fixed according as may be agreed on between the bank and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings-bank feature of this corporation. The stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all debts, contracts and engagements of the corporation to an amount equal to their stock therein at par value, in addition to the amount invested in such shares.

Savings bank feature.

Liability of stockholders.

Sec. 8. That this act shall be in force [from] and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 400.

AN ACT TO AMEND THE CHARTER OF THE HOME INSURANCE COMPANY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Home Insurance Company of Greensboro be amended by adding the following section, to be known as section number eight: "That after paying all losses and expenses, and setting aside such amounts for a re-insurance reserve as is required by law, the balance, if any, shall be disposed of as may be provided by the by-laws, and the assets of said company may be invested in North Carolina bonds, United States bonds, county or municipal bonds, or other safe bonds, stocks, mortgages or other property or securities, and the company may purchase, receive, take, hold and dispose of them in its own name, and the said corporation shall have the right to re-insure policies of insurance and guarantee the policies and contracts of other companies."

Section 8 added.

Disposal and investmentof company's surplus.

Right to re-insure.

Right to guarantee polici es and contracts of other companies.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 401.

AN ACT TO AMEND THE CHARTER OF THE UNDERWRITERS OF GREENSBORO.

The General Assembly of North Carolina do enact:

Chapter 38, Private Laws 1899, amended. Section 5 stricken out and another inserted.

Section 1. That Chapter 134 of the Private Laws of 1897, as amended by Chapter 38 of the Private Laws of 1899, be amended by striking out section 5 of the act as amended, and inserting in lieu thereof the following: "That after paying all losses and expenses, and setting aside such amounts for a re-insurance reserve as is required by law, the balance, if any, shall be disposed of as may be provided by the by-laws, and the assets of said company may be invested in North Carolina bonds, United States bonds, county or municipal bonds, or other safe bonds, stocks, mortgages or other property or securities; and the company may purchase, receive, take, hold and dispose of them in its own name, and the said corporation shall have the right to re-insure policies of insurance and guarantee the policies and contracts of other companies."

Disposal and investment of surplus funds.

Re-insurance.

Guarantee power.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 402.

AN ACT TO AMEND CHARTER OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

1,500 square yards inserted for 1,000 square yards.

Section 1. That section 2, Chapter 84, Private Laws 1895, be amended by striking out the words "one thousand square yards" and inserting the words "fifteen hundred square yards."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 403.

AN ACT TO REGULATE THE ELECTION OF CERTAIN OFFICERS OF THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

All officers to be elected by qualified voters.

Section 1. That at each regular election hereafter held for election of Councilmen of [the] town of Edenton, all officers of said town shall be elected by the qualified voters of said town.

Not to affect election by wards.

Sec. 2. That this act shall not change in any way the present method of electing Councilmen by wards.

Number of tickets and officers on each.

Sec. 3. That there shall be only two tickets voted. The Councilman for each ward shall be voted for in said ward on one ticket or ballot, and all other officers to be voted for shall be on one ticket or ballot.

Term of office.

Sec. 4. That all officers elected under this act shall hold office for [a] term of two years and until their successors are elected and qualified.

Constable to be chief of police.

Sec. 5. That the person elected Constable shall be Chief of Police of said town.

Effect of act on powers of councilmen.

Sec. 6. That this act shall not change the power of the Councilmen to fix salaries of the different officers, or deprive them of any powers of supervision they now have over said officers, or to fill vacancies in office.

Conflicting laws repealed.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

Chapter 404.

AN ACT TO INCORPORATE THE NORTH CAROLINA AND OHIO RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John C. Drewry, John S. Cunningham, E. L. Daughtridge, John P. Allison, Robert L. Walker, Joseph E. Pogue, H. B. Hunter, Leo D. Heartt, their associates, successors and assigns, are hereby created a body politic and corporate, with perpetual succession, under the name and style of "The North Carolina and Ohio Railroad Company," and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire, by purchase, gift, devise, lease or otherwise, any real, personal or mixed estate, and lease or sell the same as the interest of the company may require; may acquire, own, operate or lease any quarries, mines, forests, lumber-yards or furnaces, also steamships, docks, wharves, lighters, barges, tugs, steamboats and vessels; may lease, buy or construct telegraph and telephone lines along or near its right-of-way, and charge tolls under such rules and regulations as are prescribed by the laws of this State, or, at the option of its board of directors, may lease or rent these

Corporate name.

Corporate powers.

Power to acquire and dispose of property.

Telegraph and telephone lines.

Branch roads.

Change of name.

By-laws.

privileges to other corporate bodies or persons; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law.

Capital stock.

Increase.

Subscriptions to capital stock.

Sec. 2. That the authorized capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of increasing the same to one million dollars, upon leave being granted by the Secretary of State: *Provided*, such leave may only be granted upon the payment to the Treasurer of the State of forty cents on each thousand dollars, to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property, materials, bonds, timber, labor, depot or terminal facilities, franchises, rights-of-way, water-craft or otherwise, as may be agreed upon between the subscriber or subscribers and the said company.

Books of subscription.

When to commence business.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars has been subscribed for, *bona fide*, to the capital stock, the said company shall be authorized to commence operations and to exercise all the rights, powers, privileges and franchises granted by this act, and said corporators, or a majority of them, acting in person or by proxy, shall be authorized to call a meeting of stockholders for the purpose of organization, at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Raleigh; and at such meeting, and at each annual meeting thereafter, a board of not less than seven directors shall be elected by the stockholders. That said board of directors shall hold office for one year, and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

First meeting of stockholders.

Directors.

Term of office.

Other officers and employees.

Filling vacancies, etc.

Re-opening books of subscription.

Sec. 4. That after the organization of said company, the president and board of directors may again, from time to time, open books of subscription to the capital stock of said company, at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

Stockholders' liability.

Power to construct and operate railroad.

Where to be located.

Sec. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express from some point on the line between the State of North Carolina and the State of Virginia, in

Rockingham, Guilford, Caswell or Person County, eastward to some point at or near the city of Washington, or at or near the city of New Bern, North Carolina, as shall be determined by said board of directors, and to build branch roads, as above provided, from any part of its line; and upon the completion of any portion or section thereof, to maintain and operate the same, with all the rights and powers conferred in this act: *Provided*, that said road shall not approximately parallel any railroad in which the State has an interest for a greater distance than five miles within ten miles of such road.

Operation of portion of road.

Paralleling State railroad more than 5 miles forbidden.

Sec. 6. That said company may build its said railroad and branch roads by such routes as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in Volume I, Chapter 49, of The Code of North Carolina, and all the acts of the General Assembly of North Carolina amendatory thereof.

Routes of road or branches.

Volume I, chapter 49, of Code applicable.

Sec. 7. That said company shall have the right to cross at grade, or over, or under, intersect, join or unite its railroad with any railroad now built or constructed, or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turn-outs, sidings, switches and other conveniences, and, when necessary, to use the right-of-way of other railroads when same is not occupied with tracks or buildings.

Rights and powers with regard to other railroads.

Sec. 8. That when any rights-of-way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement, for any cause, it cannot be purchased from the owner, the same may be condemned in accordance with Volume I, Chapter 49, of The Code of North Carolina, and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of fifty feet on each side of the track of the said railroad and branches, measuring from the same. And the company shall have the power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding five acres in any one lot or place.

Provision for condemning land.

Amount of land which may be condemned.

Sec. 9. That said company shall have the right to borrow money when so authorized by its board of directors in general or special meeting assembled, and to issue coupon bonds at a rate of interest not exceeding six per cent., and to secure the payment of the same by mortgage or deed of trust, or trust agreement with any bank, trust company or corporation, on its property, franchises and effects, or otherwise. And, should said company issue second-mortgage bonds as hereinafter provided, in that event it shall not issue first-mortgage bonds exceeding twelve thousand dollars per mile of its main road and branches.

Right to borrow money and secure the same.

Amount of first mortgage bonds per mile.

Sec. 10. That the said company may begin work upon any point of its line, and, upon the construction of any part or portion thereof,

Where to begin work.

May operate any portion of road.

may operate and maintain such part or portion, with all the rights, powers and privileges hereby granted to this company. That it may, under such purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line.

Provisions for interchange of traffic with other roads.

Sec. 11. It shall be compulsory with the North Carolina and Ohio Railroad Company, and all other railroads with which it connects, to interchange traffic in a prompt manner; to prorate on a mileage basis, unless by mutual agreement with the managers of railroads in North Carolina to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines shall be respected. That all railroad companies shall switch cars to and from industries, loading or unloading tracks, warehouses and other places for handling freight for each other within any city limits, or two miles from same, for not more than one dollar and fifty cents per loaded car. Empty cars shall be handled free.

Charge for one road switching cars for another.

Company authorized to issue bonds to aid in construction and secure the same.

Sec. 12. That for the purpose of aiding in the construction of the North Carolina and Ohio Railroad Company, the board of directors of said company shall have the power, in general or special meeting, to issue coupon bonds to an amount not exceeding three thousand dollars per mile upon the said railroad and its branch roads, bearing interest at the rate of six per cent., payable semi-annually; the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises and effects, or otherwise. That it shall be lawful for any county, township, city or town in or through which the said road or its branches may be located, or which may be interested in its construction, to subscribe to the said second-mortgage bonds of said railroad company in such sum as a majority of the qualified electors of any such county, township, city or town may authorize; anything contained in the charter of any such city, town or other corporation to the contrary notwithstanding. That the said subscription shall be made in coupon bonds, bearing interest not exceeding six per cent., interest payable semi-annually, and the principal of said bonds to be due and payable thirty years from time of issue, the said bonds to be received by said railroad company at par; and upon receiving the same, the said railroad company shall deliver to such counties, townships, cities or towns as shall subscribe a like amount of its second-mortgage bonds in exchange therefor; all of said bonds to be in denominations of one hundred dollars each.

Subscriptions to second mortgage bonds by contiguous counties, townships, cities or towns.

Provisions for election on question of subscription.

Sec. 13. That for the purpose of determining the amount of such subscriptions, it shall be the duty of the County Commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in

the construction of said road or branches, or the Board of Aldermen or Board of Commissioners or other municipal authorities of any city or town in or through any part of such city or town the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon written application of one-fourth of the tax-payers of any such county, township, city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscriptions" or "No Subscriptions" to the second-mortgage bonds of said railroad company. And said Board of County Commissioners, Board of Aldermen, Board of Commissioners or other municipal authorities of such city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as is hereinafter provided for the said election in the city or town. That at said elections, ballots shall be provided upon which shall be printed or written the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription," and said Board of County Commissioners, Board of Aldermen, or Board of Commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held; and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered, in accordance with law, by such Board of County Commissioners, Board of Aldermen, Board of Commissioners or other municipal authorities, as the case may be, of the qualified voters of said county, township, city or town, for the said election.

Regulations for conducting elections, making and canvassing returns, declaration of result, etc.

Sec. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly; and if the election shall be held for a county, the returns shall be made to and canvassed by the Board of County Commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township, the Registrar and Judges of Election shall make returns to the Board of County Commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be

for a city or town, it shall be conducted as elections for municipal officers, and the Mayor and Aldermen or Town Commissioners or other municipal authorities of such city or town shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the Board of County Commissioners in all cases of county or township elections, and the Mayor or other chief officer in all cases of city or town elections, shall, within twenty days after the vote is ascertained, subscribe to the second-mortgage bonds of said railroad company in behalf of said county, township, city or town, as the case may be, the sum that may have been named in the said petition, which subscription shall be made in coupon bonds bearing interest at the rate of five per cent., payable semi-annually; and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties, townships, cities or towns.

If election favorable, subscription to be made.

Provisions for levy of tax to pay interest and provide sinking fund.

Sec. 15. That to provide for the interest on said bonds, and their redemption at or before maturity, the Board of County Commissioners aforesaid, or the Board of Aldermen, or Board of Commissioners or other municipal authorities aforesaid, subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second-mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are, and paid to the County Treasurer or other officer of said county, city or town authorized by law to perform the duties of Treasurer or Commissioner of Sinking Fund, and by him invested in said bonds, which shall be cancelled by the County Commissioners or the municipal authorities of the city or town, as the case may be; but in case said Treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or about par value, he shall invest the same in solvent bonds or securities as may be selected and approved by the County Commissioners aforesaid, or the proper authorities of any city or town, as the case may be, subscribing to the second-mortgage bonds of said railroad company.

Collection of tax.

Investment of sinking fund.

For purposes of this act, townships along line of road incorporated.

Sec. 16. That for the purpose of this act, all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all rights and be subject to the liabilities in respect to any rights or cause of action growing out of the pro-

visions of this act. The County Commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties, respectively. County commissioners made corporate agents of such townships.

Sec. 17. That the State, county and city convicts may be used in the construction of the said railroad and its branches, on such terms, in such manner and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company. Right to work convicts.

Sec. 18. The North Carolina and Ohio Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or hereafter may be a competitor. Restriction on sale of road.

Sec. 19. That the construction of the said railroad under this act of incorporation shall be commenced within five years after the ratification of this act. Time limit to begin construction.

Sec. 20. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

Chapter 405.

AN ACT TO INCORPORATE "CHARLOTTE CRITTENDON HOME."

The General Assembly of North Carolina do enact:

Section 1. That J. R. Howerton, J. W. Stagg, J. Knox Montgomery, C. C. Leman, R. C. Holland, G. H. Detwiler, A. C. Barron, P. M. Brown, B. D. Heath, S. S. McNinch, John B. Ross, J. A. Durham and Heriot Clarkson, and their successors, be and they are hereby created a body corporate by the name of the "Charlotte Crittendon Home," and by that name may sue and be sued, may have a common seal, may acquire, receive and hold real estate in the city of Charlotte, county of Mecklenburg, or elsewhere, by purchase, gift, devise or otherwise, and may acquire, receive and hold personal property by purchase, gift, bequest, by will or otherwise; may contract and be contracted with, for the purposes provided for in this act, and make such rules, regulations and by-laws for its management and exercise of its powers as in their discretion they may think necessary, and may alter the same from time to time as shall not be in conflict with the laws of this State and of the United States, and not repugnant to this act. Incorporators. Body corporate. Corporate name. Powers.

Sec. 2. The powers, purposes and duties of said corporation shall be as follows: To aid and encourage destitute, homeless and depraved women and men to seek reformation of character and respectability, and to reach positions of honorable self-support, and especially to Purposes, duties, etc.

provide for women and young girls who have led profligate lives, or, having been betrayed from the path of virtue, are sincerely willing to reform, temporary homes and employment until they can be restored to friends or established in honest industry; also to establish homes for working-girls; for those purposes to carry on such homes, industrial enterprises and such other instrumentalities as may be adapted thereto.

Sec. 3. That the members of the corporation shall receive no compensation for their services.

Power to borrow money, encumber its property, etc.

Sec. 4. The corporation shall have the power to incumber its property, to raise money for building or for other necessary purposes to carry out the true intent and meaning of this act. It shall have the power to incumber its property by mortgage or deed of trust in such manner as the incorporators may think is for the best interest of the home: *Provided*, that it shall not incumber its property for ordinary running expenses.

Vacancies in membership, how filled.

Sec. 5. Whenever vacancies shall occur in the membership of the corporation, such vacancies shall be filled by the election of another member by the remaining members. Any member may resign by tendering his written resignation to the president or vice-president. Any member may be removed for physical or mental incapacity by a vote of three-fourths of the other members.

Officers.

Sec. 6. The officers of the corporation shall be a president, vice-president, secretary, treasurer and a corresponding secretary and an executive committee of five of the members. All of said officers

Meetings.

shall be elected at the first meeting of the members of the corporation, and those so elected shall hold their office until their successors are duly elected. That there shall, after the first meeting, be another meeting held on the first Monday in April, 1903, at which meeting the successors to the officers elected at the first meeting shall be elected, and thereafter the regular annual meeting of said corporation shall be held on the first Mondays of April in each year, at which said meetings all the officers of the corporation shall be elected. But if, for any cause, no election of officers or any one or more officers shall be had at any regular meeting, such election or elections shall be held at any subsequent special meeting. All officers of the corporation shall hold their offices until their successors shall be duly elected. No one shall be eligible as an officer of the corporation except a member of the corporation, except the treasurer.

Meeting to be held in Charlotte, N. C.

Sec. 7. The first and all other meetings of the members of the corporation shall be held in the city of Charlotte, North Carolina. The first meeting shall be held at such time and place in said city as any three members may designate in written notices signed by them and delivered to each of the other members. The time and place in said city at which all subsequent annual meetings shall

be held, and the times and places in said city, and upon what notice special meetings may be held, shall be fixed and regulated by the by-laws of the corporation.

Powers and duties of president.

Sec. 8. The president shall preside at the meetings of the corporation, shall sign all contracts on behalf of the corporation, shall be the custodian of the corporate seal, and set the same to such instruments as the corporation may properly and legally direct to be executed by the corporation, and perform such other acts as he may be authorized and empowered to perform by the by-laws or by resolutions of the corporation.

Duties of vice-president.

Sec. 9. The vice-president shall perform all the duties of the president when the president shall be absent from a meeting or from the city of Charlotte.

Duties of secretary and treasurer.

Sec. 10. The secretary shall keep the records of the corporation and do such other acts as may be prescribed by the by-laws. The treasurer shall receive and disburse all the funds of the corporation under the direction of the executive committee, or as may be directed by the by-laws of the corporation, and do such other acts as the by-laws may prescribe. He shall be required to give bond in such amount as may be fixed by the corporation, and may be paid a reasonable salary or commission.

Treasurer's bond.

Compensation.

Duties of executive committee.

Sec. 11. The executive committee shall have general supervision and control of the affairs of the corporation, and shall perform such duties as may be prescribed by the by-laws of the corporation, but shall not have the power to do any act inconsistent with the other provisions of this act; and the corporation, at any special or regular meeting, may take charge and control of any matter or matters which the executive committee would otherwise have under its control.

Individual liability.

Sec. 12. No member of this corporation shall be liable, personally or individually, for any contract, obligation or other liability of any kind of the corporation.

Quorum.

Sec. 13. At all meetings of the corporation a majority of its members shall constitute a quorum.

Exemption from taxation.

Sec. 14. The General Assembly being authorized by the Constitution, article five (5), section five, to exempt from taxation property held for education, literary and charitable purposes, the property and estate which this corporation may acquire, hold and use according to the provisions of this act shall be exempted from all State, county and municipal taxation.

Branch of Florence Crittendon Mission of the United States.

Sec. 15. This corporation is a branch of the National Florence Crittendon Mission of the United States, and which has been incorporated and amended by acts of Congress.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 406.

AN ACT TO AMEND CHAPTER 378 OF THE PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Former act, providing for special tax in Tarboro, amended.

Tax to be levied in 1902 and 1904.

Section 1. That chapter three hundred and seventy-eight of the Private Laws of nineteen hundred and one (1901) be amended as follows: Insert between "1902" and "and," in the last line of section one, the words and figures "1903 and 1904," and, as so amended, sections one and two of said chapter are hereby re-enacted.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 407.

AN ACT TO AMEND CHAPTER 205, PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Former act, providing for sewerage and water-works for Tarboro, amended.

Board of public works.

Section 1. That Chapter 205 of the Private Laws of 1899 be amended as follows: Strike out of section 2 all after the word "two," in line 10, being the second word in line 10, down to and including the word "works," in line twelve, and add in lieu thereof the following: "There shall be elected by the said Board of Commissioners, at the first regular meeting next after the first Monday in May, 1903, three resident voters of said town as members of said Board of Public works, one to hold office for one year, one to hold office for two years, and one to hold office for three years, and each until his successor is elected and qualified. That at the next regular meeting of the Board of Commissioners of said town, next after the first Monday in May, 1904, and every year thereafter, there shall be elected by said Board of Commissioners, for a term of three years, one resident voter of said town as [a] member of said Board of Public Works, to take the place of the member whose term shall expire.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 408.

AN ACT TO INCORPORATE THE ROANOKE ISLAND CELEBRATION COMPANY, AND TO ESTABLISH ON ROANOKE ISLAND AN INSTITUTION FOR SCIENTIFIC INVESTIGATION AND INSTRUCTION IN COMMEMORATION OF SIR WALTER RALEIGH AND HIS EFFORTS TO COLONIZE AMERICA.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That whereas many citizens of North Carolina are desirous of forming a corporation for the purpose of engaging in the patriotic undertaking of celebrating on Roanoke Island the landing and settlement of Sir Walter Raleigh's colonies, being the first English settlement in America, and the birth of Virginia Dare, the first Anglo-American, and of establishing an institution for scientific investigation and instruction as a perpetual memorial of Sir Walter Raleigh and his efforts to colonize America; and whereas, it is desired that said corporation shall possess certain rights, powers and privileges which cannot be secured under the general law for the formation of corporations, among which is the right, power and privileges of constructing, operating and maintaining a railroad or railroads, and the exemption from certain taxes and penalties prescribed for ordinary business corporations; therefore,

Incorporators.

Sec. 2. Thomas W. Blount, R. B. Etheridge, Theo S. Meekins, B. G. Crisp, F. P. Gates, A. G. Sample, R. C. Evans, J. B. Jennett, John W. Evans, W. H. Lucas, Joseph A. Spruill and C. W. Mitchell, and such other persons as may become associated with them as stockholders, and their successors, be and they are hereby created a body politic and corporate under the name of "The Roanoke Island Celebration Company," and as such body politic and corporate shall have all the rights, powers and privileges granted to corporations by Chapter 2 of the acts of the General Assembly of 1901, or such acts as are now passed or may hereafter be passed for the regulation of corporations generally; but shall not be subject to any of the liabilities and penalties imposed in said Chapter 2 of the acts of the General Assembly of 1901.

Body politic.

Corporate name.

Powers.

Exemption from liabilities and penalties.

Quorum.

Sec. 3. That a majority of said incorporators, in person or by proxy, may act in the organization of said corporation and the doing of such other acts as are not delegated to the board of directors.

Principal office.

Sec. 4. That the principal office of said corporation shall be at Washington, N. C., or Manteo, N. C., but the board of directors may change the principal office to some other place and may open branch offices at any place desired.

Powers.

Sec. 5. That said corporation shall have full power and authority to promote, organize and conduct on Roanoke Island, and such other adjacent places as the stockholders may select, a celebration of the landing and settlement of Sir Walter Raleigh's colonies on Roanoke Island, the birthplace of Virginia Dare, the first Anglo-American, and the cradle of American civilization; and to hold as a part of such celebration an exposition of Indian and colonial relics, implements, weapons, utensils, curios, documents, maps, surveys and books illustrative of that period, and such other objects of historical and educational value as will show the progress of our race on this continent. And that the said corporation shall have full power and authority to do and perform all such acts and things, not unlawful under the laws of this State, as may be deemed necessary or proper for the successful prosecution of the above-mentioned objects.

Celebration of landing, etc., of Sir Walter Raleigh.

Exposition of colonial relics, etc.

Capital stock.

Sec. 6. That the capital stock of said corporation shall be two hundred and fifty thousand dollars, divided into fifty thousand shares of the par value of five dollars each; but the said corporation may begin business when ten thousand dollars shall have been subscribed to the capital stock and the charter shall have been issued by the Secretary of State as hereinafter provided.

Shares.

When to begin business.

Individual liability.

Sec. 7. That no stockholder of said corporation shall be personally liable for the contracts, obligations or torts of the said corporation.

Power to build railroads, etc.

Sec. 8. That said corporation shall have full power and authority to build, acquire, maintain and operate a railroad or railroads with one or more tracks from any point on Roanoke Island to any other point on said island, with all the powers and privileges contained in Chapter 49, Vol. I, of The Code of North Carolina, and the acts of the General Assembly supplemental thereto and amendatory thereof; and, for the purposes of the celebration, shall also have full power to build, lease or otherwise acquire, maintain and operate boats and vessels of all kinds for the carriage of freight and passengers, charging rates, fares and tolls therefor; and also to construct, acquire and operate telegraph and telephone lines between any points on said island and any other points, charging rates and tolls for the use of same; and also to build, lease or otherwise acquire, maintain and conduct one or more hotels or restaurants on said island, where guests and visitors may be provided with food and accommodations; to own, lease and acquire real estate requisite for the exposition and celebration, and to erect and construct electric plants for power and for lighting the buildings and grounds provided for in this act.

Boats and vessels.

Telegraph and telephone lines.

Hotels, etc.

Electric plants.

Power to establish institution for teaching useful arts, etc.

Sec. 9. That the company is authorized and empowered to establish on Roanoke Island, on lands which may be donated or purchased for that purpose, in commemoration of Sir Walter Raleigh

and his efforts to colonize America, an institution for investigating and teaching useful arts and sciences, and especially those relating to shipbuilding and navigation, meteorology, and to the culture and propagation of fish and oysters, and the protection and preservation of aquatic birds and animals. The instruction in shipbuilding and navigation, and so far as may be in the other special subjects above named, shall be industrial and practically illustrated by examples and work personally conducted by the students in such a way that they shall learn to apply the principles and theories in which they are instructed and be made familiar with the manipulation necessary to that end. The other instruction in the institution shall be as may be prescribed by the trustees hereinafter provided for. Plan of instruction, etc.

Sec. 10. That this institution shall be under the control of a board of twelve trustees, who shall be selected by the directors of the company, and shall hold their office for six years and receive such compensation as shall be prescribed by the directors: *Provided*, that of the members of the first board four shall be elected for two years, four for four years, and four for six years. The board of trustees shall prescribe the rules and regulations for the government of said institution, shall select its faculty and officers, and determine their terms of office, salaries and compensation: *Provided further*, that in the event the State of North Carolina shall at any time make the appropriation provided for in section 11 of this act, then the Governor of North Carolina shall be and he is hereby authorized and empowered to appoint one-fourth of the directors and one-fourth of the trustees of said corporation, and the other three-fourths shall be elected as herein provided for. Board of trustees. Proviso: term of office. Rules and regulations. Governor to appoint one-fourth of trustees, when.

Sec. 11. That the sum of fifty thousand dollars be and the same is hereby appropriated for the establishment and equipment of the said institution; and the State Treasurer is hereby authorized and directed to pay this sum out of any fund in the treasury not otherwise appropriated, upon the warrant of the board of directors of said company: *Provided*, that it shall first be made to appear to his satisfaction that the sum of two hundred and fifty thousand dollars has been realized from other sources, at least one hundred and fifty thousand dollars of which shall have been appropriated to or made available for the buildings, equipment and endowment of the said institution of scientific investigation and instruction: *Provided further*, that no part of the appropriation herein provided for shall be paid before the first day of January, 1907: *Provided further*, that it shall be unlawful for the board of directors of said company or the trustees of the said institution, or any of the authorities of either, to pledge the faith or credit of the said company or institution, or to undertake to pledge the faith or credit of the State for Appropriation by State. Proviso: $250,000 must first be raised from other sources. Proviso: time of payment of appropriation. Credit of State not to be pledged, etc.

any sum of money or other thing of value for the purpose of this act, or any purpose whatsoever; and that any director or trustee or other officer of the institution who shall violate this provision shall be guilty of a misdemeanor, and the State hereby notifies all persons that it will in no wise recognize the validity of any pledge, contract or obligation so made.

Secretary of State to issue charter, when.

Sec. 12. That as soon as one hundred subscribers, to be selected by the corporation named in section two of this act, shall have subscribed a sum not less than ten thousand dollars to the capital stock of the company, it shall be the duty of the Secretary of State to issue to the company a charter, artistically designed and ornamented.

NAMES.	P. O. ADDRESS.	NO. SHARES.	AMOUNT.
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In witness whereof, the undersigned incorporators have hereto set their hands and affixed their several seals, in the year of our Lord nineteen hundred and .....

Charter, how signed and sealed.

Which charter shall be signed by the Governor and sealed with the Great Seal of the State.

Form of charter.

Sec. 13. The charter shall contain a synopsis of this act, and the following form shall be sufficient for that purpose:

CERTIFICATION OF INCORPORATION.

This is to certify that the undersigned have organized, and do hereby organize, themselves into a corporation under and by virtue of the provisions of the act of the General Assembly of North Carolina entitled "An act to incorporate the Roanoke Island Celebration Company, and to establish on Roanoke Island an Institution for Scientific Investigation and Instruction, in commemoration of Sir Walter Raleigh and his efforts to colonize America," and they do severally agree to take the number of shares of capital stock set opposite their respective names.

The name of the corporation is "The Roanoke Island Celebration Company." The location of the principal office in the State shall be Washington, N. C., or Manteo, N. C. The object for which the corporation is founded is to conduct a celebration on Roanoke Island of the landing and settlement of Sir Walter Raleigh's colonies in America, and establish an Institution of Scientific Investigation and Instruction in commemoration thereof.

The total authorized capital stock of the corporation is two hundred and fifty thousand dollars, divided into fifty thousand shares of the par value of five dollars each.

The names and post-office addresses of the incorporators under this charter, and the number and amount of the shares subscribed for by each, the aggregate of which ..... dollars is the amount of capital stock with which the company will commence business, are as follows:

.....

.....

.....

Signed, sealed and delivered in the presence of ....., the subscribing witness thereto. ....., *Witness.*

State of North Carolina—County of .....

Be it remembered, that on this, the .... day of ....., 190.., before me, Clerk of the Superior Court of ..... County, personally appeared ....., the subscribing witness to the signatures of the above-named incorporators, and, being by me duly sworn, maketh oath that he saw the said corporators severally sign their names and affix their seals to this charter for the purposes therein expressed, of the truth of which I am also satisfied.

.....,

Clerk of the Superior Court for ..... County.

Exemption from taxation.

Sec. 14. That neither the State nor any county, city or town shall levy or collect any license privilege or any other tax whatever on any of the property, stock, franchises or business of the said corporation.

Work to begin in five years or charter void.

Sec. 15. That if work is not begun on the business of said corporation within five years from the ratification of this act, then this charter shall become void and of no effect; otherwise so, it shall remain in full force and effect for the period of thirty years from the date of its ratification.

Conflicting laws repealed.

Sec. 16. That all the laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 409.

AN ACT TO INCORPORATE THE ELIZABETH CITY AND CAROLINA THROUGH LINE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Incorporators. Body politic. Corporate name. Term. Powers.

Section 1. That R. G. Grady, D. L. Farrior, G. B. D. Parker, J. F. Johnson, N. H. Carter, S. P. McNair and D. L. Carleton, and such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "Elizabeth City and Carolina Through Line Railroad Company," which shall have succession for sixty years, and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal, and change the same at pleasure, and be capable of taking and holding, by purchase, gift or devise, or in any other manner, real and personal property, and of leasing, selling or conveying the same, or dealing with the same in any manner. And the said corporation shall have and enjoy all privileges, rights and immunities which corporate bodies may lawfully exercise, and make all by-laws necessary for its government or which its directors may deem proper and expedient, not inconsistent with law.

Capital stock. Common and preferred.

Sec. 2. That the capital stock of said corporation shall be one hundred and twenty-five thousand dollars—one-half preferred and one-half common—divided into shares of fifty dollars each, with power and authority to the directors of the said company to increase the same at any time to an amount not exceeding two million dollars: *Provided*, that there shall be no increase of the capital stock until there is permission granted by the Secretary of State, which shall not be granted until there is paid to the Treasurer forty cents on each thousand dollars of such increase, always maintaining the proportion of one-half preferred and one-half common; and subscription to the capital stock may be made by individuals, corporations, counties, cities, towns and townships, and the said subscription may be paid in money, labor, land, materials, cross-ties, stocks, bonds and other securities, and the company may receive donations of any kind of property or labor.

Proviso.

Subscriptions may be made, by whom. Subscriptions, in what paid.

Subscription books. Organization.

Sec. 3. Books of subscription may be opened by any three of the incorporators hereinbefore named, at such times and places as they may appoint; and after ten thousand dollars of the capital stock has been subscribed and five per cent. of such subscription paid in, then the stockholders may organize said company by the election of a board of directors to consist of not less than five members, and said directors shall elect one of their own body as president of the company.

Sec. 4. That said company be and is hereby authorized and empowered to lay out and construct, or otherwise acquire, equip, maintain and operate a railroad of standard gauge from Wilmington, North Carolina, to Elizabeth City, North Carolina, and to locate said railroad at or through any points in the counties of New Hanover, Pender, Duplin, Onslow, Jones, Craven, Lenoir, Wayne, Greene, Pitt, Beaufort, Edgecombe, Martin, Bertie, Hertford, Gates, Chowan, Perquimans and Pasquotank, with full authority to build such branch lines in or through the said counties as may be deemed necessary or advantageous to the corporation, not exceeding twenty-five miles in length for each such branch line; and may also construct, maintain and operate telegraph and telephone lines, or both, along the line of road hereby authorized, and make and collect such charges for same as are not contrary to law. And the said company shall have power and authority to construct dams, trestles, culverts and bridges over and across streams, valleys and depressions along its lines, and to build, own and operate ferry-boats and ferries across streams, rivers and waterways along its route, and to cross, grade over or under, to join, intersect or unite its railway with any other railway now constructed or that may hereafter be constructed in this State upon the lands of such other railroad companies at any point on its route, and to build all necessary turnouts, sidings, switches and other conveniences required for the operation of said road; and to accept, buy, hold, lease, sell and otherwise acquire and dispose of real and personal property of all kinds; and the said company may acquire, by purchase or lease, any other railroad now built or projected in the State, or may consolidate with any other railroad now built or projected, and assume its corporate name, or may sell or lease any part or the whole of its lines or line to any other railroad company; and if a portion of or the whole of its lines or line shall be sold to any other company, then the company purchasing shall take the lines so purchased, with all the franchises herein granted, and may manage the same under its own corporate name.

Power to build railroad.

Termini. Route.

Branch lines.

Power to buy, sell, lease or consolidate.

Sec. 5. The said company shall have power to make such by-laws and regulations, consistent with the laws of the State, for its own proper government as it may see fit; to fix the number of directors, not less than five; to provide for their election, and define their powers, and to provide for the election of [a] president and such other officers as it may desire, and define their powers and duties. The principal office of the company shall be in the city of Wilmington.

By-laws, etc.

Principal office.

Sec. 6. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company, and authenticated by its seal, and

Certificates of stock.

Transfer of stock.

such certificates shall be transferable in such manner as may be prescribed by the by-laws of the company.

Power to enter lands to explore, survey, etc.

Sec. 7. That it shall be lawful for any officer or agent, surveyor or engineer or other employee of said company to enter upon lands for the purpose of exploring, leveling or doing anything necessary or proper to be done for laying out said railroad and locating the same; and upon the location and construction of the said road, or any part thereof, and sites for stations and depots, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the company, the right to use for said road purposes the land on either side of the center of the track, for a distance of fifty feet, shall be vested in the company, and the proceedings for the condemnation of said land and for the recovery by the owners for the value thereof shall be the same as prescribed in The Code of North Carolina. And in making the valuation, the commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right-of-way being surrendered, or other property for station-houses, turn-outs, water-tanks, depots or warehouses.

Condemnation of land.

The Code.

Power to issue bonds, etc.

Sec. 8. That said company shall have power and is authorized to issue bonds of the company, either coupon or registered, to any amount necessary, and to secure the payment of said bonds by executing a mortgage or mortgages or deed of trust upon any or all of its property; and the franchise of said company on such terms as the directors may prescribe, and any such conveyance, when registered in the county in which said property is situated, shall constitute a lien upon the franchise of the company and all of its property in the counties in which such mortgage is registered.

Freight and passengers.

Sec. 9. That said company shall have the right to transport and carry passengers and freight over and along its said line and branches, and mails and express matter, and to charge such fares and tolls for the same as may be prescribed by the board of directors, not inconsistent with law, and to do any and all things necessary or expedient for the proper management of said company as usually exercised or performed by railroad companies, and to purchase and hold stock in any other railroad or transportation company, express company, telegraph or telephone company or other corporation, or may purchase or lease the same and operate the same, or contract with such company or corporation for transportation of passengers or freight: *Provided*, that this corporation shall not consolidate with any competing company, nor shall it be the means by which competing companies shall consolidate.

Express, telegraph and telephone companies.

Proviso.

Any county, city, etc., may subscribe to stock in the following manner.

Sec. 10. That any county, city or town or township along the line of said railroad or any of its branches, or at any terminal point of said railroad, or any of its branches, may subscribe to the capital stock of said company in the following manner: Upon the presenta-

tion, in writing, signed by at least one-fourth of the freeholders in said county, city, town or township, to the Board of Commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said company, the Board of Commissioners of said county, or the proper authorities of said city or town, shall, within thirty days after the filing of the said petition, order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given specifying the amount of the proposed subscription, and the return thereof shall be made to the Board of Commissioners of the county or the proper authorities of such city or town; and if a majority of the qualified voters vote for subscription, then the Board of Commissioners of such county, or the proper authorities of said city or town, shall immediately make said subscription and pay for the same in cash, or may issue coupon bonds to the amount of said subscription, in order to pay for the same; and said bonds shall, upon their face, indicate on account of what county or township or city or town they are issued. Said bonds shall be in denominations of not less than one hundred dollars nor more than five hundred dollars each, and shall run for twenty years, and shall bear interest at six per centum per annum, payable semi-annually.

Petition.

Election.

Ballots.

Election, how conducted.

Notice.
Returns.

Subscription.
Payment of same.

Bonds.

Sec. 11. That in case a subscription shall be made to said railway company by any county, township, city or town in North Carolina as prescribed herein, it shall be the duty of the Board of Commissioners of said county, or the proper authorities of said city or town, if the bonds are issued, to levy a special tax sufficient to meet the interest charges, and to provide a sinking fund with which to pay off and discharge the principal of said bonds as the same may become due.

Special tax.

Sec. 12. That the stockholders shall provide in the by-laws for their regular meetings, but directors' meetings may be held at any time or place, either in or out of this State, as the directors or a majority of them may determine, and the stockhloders shall not be

Meetings of stockholders.

individually liable for the debts of the corporation. The company shall maintain an office in the city of Wilmington, and shall at all times have an agent or attorney resident of said town.

Work to begin in two years or charter void.

Sec. 13. That if work is not begun and prosecuted upon said road within two years from the ratification of this act, then this charter is to become void; otherwise to remain in full force and effect.

Sec. 14. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 410.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Election of city officers.

Section 1. That the time of holding city elections in Wilmington shall be on Tuesday after the first Monday in May, nineteen hundred and three, and biennially thereafter.

Term of office.

Sec. 2. That the present city officials, officers and employees shall hold office until the day following the first election specified in section [one] of this act, and their successors shall hold office for two days.

Conflicting laws repealed.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

Chapter 411.

AN ACT TO INCORPORATE THE TOWN OF COAKLEY, IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Town of Coakley incorporated. Corporate name. Powers.

Section 1. That the town of Coakley, in the county of Edgecombe, be and the same is hereby incorporated by the name and style of "The Town of Coakley," and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns as set forth in The Code.

Sec. 2. That the corporate limits of said town shall be as follows: Commencing where the county road crosses the old railroad track; thence in a westerly direction two hundred yards; thence south seven hundred yards; thence east four hundred yards; thence north seven hundred yards; thence west down [the] old railroad track two hundred yards to the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a Mayor and three Commissioners and a Constable, to be elected in accordance with general laws regulating elections in towns and cities. Town officers. Election.

Sec. 4. That until their successors are elected and qualified, the following persons shall be officers of said town, viz.: Mayor, J. R. Saterthwaite; Commissioners, Luther Land, Owen Jones, J. F. Jones; Constable, D. F. Jones. Town officers named.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

Chapter 412.

AN ACT TO AMEND AN ACT RATIFIED FEBRUARY 5TH, 1903, ENTITLED "AN ACT AUTHORIZING THE SCHOOL OF THE MOUNT OLIVE GRADED SCHOOL DISTRICT, MOUNT OLIVE, N. C., TO HOLD AN ELECTION TO ISSUE BONDS."

The General Assembly of North Carolina do enact:

Section 1. That an act ratified February 5th, 1903, entitled "An act to authorize the school committee of the Mount Olive Graded School District, Mount Olive, N. C., to hold an election to issue bonds," be amended by adding after section four the following: "*Provided further,* that if a majority of said qualified voters shall not vote in favor of issuing said bonds and of levying of said particular tax, said Board of Commissioners shall order another election at any time after the expiration of thirty days' notice from date of the former election, when requested to do so by said graded school committee, and if at such election a majority of such qualified voters shall vote for schools, it shall have the same force and effect as if no election had been previously held: *Provided,* that no election shall be held under the provisions of this act after the first day of December, 1905." Former act amended. Subsequent election, how ordered, etc.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, April 1, 1903.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES,
Secretary of State.

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